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BILL 101

Government Bill

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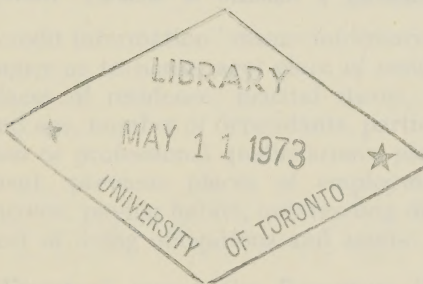
-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

73

**An Act to control the Storage and Supply
of personal Information for rating Purposes**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill regulates the giving of consumer reports and governs the disclosure and review of the information. Information as to credit history and as to character and health is included in the controls.

The main principles include the following:

1. Consumer reporting agencies are required to be registered.
2. Persons ordering consumer reports are required to notify the consumer.
3. If a credit information results in adverse action, the creditor is required to notify the consumer of the report.
4. The consumer may inspect all the information about him in the files of any consumer reporting agency.
5. The consumer may have information corrected, through the authority of a tribunal, if necessary.
6. The information that may be included in a consumer report is restricted to maintain a standard of accuracy, recency and corroboration.

An Act to control the Storage and Supply of personal Information for rating Purposes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “consumer” means a natural person but does not include a person engaging in a transaction, other than seeking employment, in the course of carrying on business;
- (b) “consumer report” means a written, oral or other communication by a consumer reporting agency of credit information or personal information, or both, pertaining to a consumer for consideration in connection with a purpose set out in clause *d* of subsection 1 of section 8;
- (c) “consumer reporting agency” means a person who for gain or profit furnishes consumer reports;
- (d) “credit information” means information about a consumer as to name, age, place of residence, previous places of residence, marital status, spouse’s name and age, number of dependants, particulars of education or professional qualifications, places of employment, previous places of employment, estimated income, paying habits, outstanding debt obligations, cost of living obligations and assets;
- (e) “Director” means the Executive Director of the Business Practices Division of the Ministry;
- (f) “employment purposes” means the purposes of taking into employment, granting promotion, reassigning employment duties or retaining as an employee;
- (g) “file”, when used as a noun, means all of the information pertaining to a consumer that is recorded

and retained by a consumer reporting agency, regardless of the manner or form in which the information is stored;

- (h) "Minister" means the Minister of Consumer and Commercial Relations;
- (i) "person" means a natural person, an association of natural persons, a partnership or a corporation;
- (j) "personal information" means information other than credit information about a consumer's character, reputation, health, physical or personal characteristics or mode of living or about any other matter concerning the consumer;
- (k) "personal information investigator" means a person who obtains or reports personal information to a consumer reporting agency for hire or reward;
- (l) "Registrar" means the Registrar of Consumer Reporting Agencies;
- (m) "regulations" means the regulations made under this Act;
- (n) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

R.S.O. 1970,
c. 113

Agreements
to waive

(2) This Act applies notwithstanding any agreement or waiver to the contrary.

Registrar

2.—(1) There shall be a Registrar of Consumer Reporting Agencies who shall be appointed by the Lieutenant Governor in Council.

Duties

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Registration
required

3. No person shall conduct or act as a consumer reporting agency or act as a personal information investigator unless he is registered by the Registrar under this Act.

Registration
of agencies

4.—(1) An applicant is entitled to registration or renewal of registration as a consumer reporting agency by the Registrar except where,

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) An applicant is entitled to registration or renewal of registration as a personal information investigator by the Registrar except where the past conduct of the applicant affords reasonable grounds for belief that he will not carry out his duties in accordance with law and with integrity and honesty.

(3) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

(4) A registration is not transferable.

not
transferable

5.—(1) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4.

Refusal to
register

(2) Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

Revocation
and refusal
to renew

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke

Notice of
proposal to
refuse or
revoke

a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuance
pending
renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired

and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Order effective, stay R.S.O. 1970, c. 113

7. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

Further applications

8.—(1) No consumer reporting agency and no officer or employee thereof shall knowingly furnish any information from the files of the consumer reporting agency except,

To whom reports may be given

- (a) in response to the order of a court having jurisdiction to issue such an order;
- (b) in accordance with the written instructions of the consumer to whom the information relates;
- (c) in response to an order or direction made under this Act; or
- (d) in a consumer report given to a person who it has reason to believe,
 - (i) intends to use the information in connection with the extension of credit to or the collection of a debt of the consumer to whom the information pertains,
 - (ii) intends to use the information in connection with the entering into or renewal of a tenancy agreement,
 - (iii) intends to use the information for employment purposes,
 - (iv) intends to use the information in connection with the underwriting of insurance involving the consumer,
 - (v) intends to use the information to determine the consumer's eligibility for any matter under a statute or regulation where the information is relevant to the requirement prescribed by law,

- (vi) otherwise has a direct business need for the information in connection with a business transaction involving the consumer.

Idem

(2) No person shall knowingly obtain any information from the files of a consumer reporting agency respecting a consumer except for the purposes referred to in subsection 1.

Information
as to
identities

(3) Notwithstanding subsections 1 and 2, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to the Government of Ontario or of Canada or any province thereof or of any agency of such government or the government of any municipality in Canada or any agency thereof or to any police officer acting in the course of his duties, notwithstanding that such information is not to be used for a purpose mentioned in clause *d* of subsection 1.

Sale of
files

(4) A consumer reporting agency shall not sell, lease or transfer title to its files or any of them except to another consumer reporting agency registered under this Act.

Procedures
of agencies

9.—(1) Every consumer reporting agency shall adopt all procedures reasonable for ensuring the greatest possible accuracy and fairness in the contents of its consumer reports.

Information
included in
consumer
report

(2) A consumer reporting agency shall not report,

- (a) any information that is not stored in a form capable of being produced under section 11;
- (b) any information that is not extracted from information appearing in files stored or collected in a repository located in Canada regardless of whether or not the information was obtained from a source outside Canada.

Idem

(3) A consumer reporting agency shall not include in a consumer report,

- (a) any credit information based on evidence that is not the best evidence reasonably available;
- (b) any unfavourable personal information unless it has made reasonable efforts to corroborate the evidence on which the personal information is based, and the lack of corroboration is noted with and accompanies the information;

- (c) information as to judgments after seven years after the judgment was given, unless the creditor or his agent confirms that it remains unpaid in whole or in part, and such confirmation appears in the file, or information in respect of a judgment fully paid;
- (d) information as to any judgment against the consumer unless mention is made of the name and, where available, the address of the judgment creditor as given at the date of entry of the judgment and the amount;
- (e) information as to the bankruptcy of the consumer after seven years from the date of the discharge except where the consumer has been bankrupt more than once;
- (f) information regarding any judgments, collections or debts that are statute barred unless it is accompanied by evidence appearing in the file that recovery is not barred by the expiration of a limitation period;
- (g) information as to the payment or non-payment of taxes or lawfully imposed fines after seven years;
- (h) information as to convictions for crimes, after seven years from the date of conviction or, where the conviction resulted in imprisonment, from the date of release or parole, provided information as to convictions for crimes shall not be reported if at any time it is learned that after a conviction a full pardon has been granted;
- (i) information regarding writs that are more than seven years old or writs that were issued against the consumer more than twelve months prior to the making of the report unless the consumer reporting agency has ascertained the current status of the action and has a record of this on file;
- (j) information regarding any criminal charges against the consumer where the charges have been dismissed, set aside or not proceeded with;
- (k) any other adverse item of information that is more than seven years old unless it is voluntarily supplied by the consumer to the consumer reporting agency;
- (l) information as to race, creed, colour, ancestry, ethnic origin, or political affiliation; or

- (m) any information given orally in the consumer report unless the content of the oral report is recorded in the file;

Maintenance
of files

(4) Every consumer reporting agency shall maintain in its file respecting a person all the material and information of which the person is entitled to disclosure under section 11.

Disclosure
of report
on request

10.—(1) Every person shall, where requested by a consumer in writing or personally, inform the consumer whether or not a consumer report respecting him has been or is to be referred to in connection with any specified transaction or matter in which such person is engaged, and, if so, of the name and address of the consumer reporting agency supplying the report.

Notice of
intention
to procure
consumer
report

(2) No person shall procure from a consumer reporting agency or cause it to prepare a consumer report containing personal information respecting a consumer unless he notifies the consumer of the fact in writing before the report is requested and, where the consumer so requests in writing or personally, he shall inform the consumer of the name and address of the consumer reporting agency supplying the report.

Idem

(3) Where a person proposes to extend credit to a consumer and a consumer report containing credit information only is being or is to be referred to in connection with the transaction, he shall give notice of the fact to the consumer in writing at the time of the application for credit, or if the application is made orally, orally at the time of the application for credit.

Assignee
as creditor

(4) Where, before extending credit, the proposed creditor obtains the acceptance or refusal of an assignment or proposed assignment of the credit transaction by an assignee or proposed assignee, subsection 3 applies to the assignee or proposed assignee in the same manner as to the person proposing to extend credit.

Notice of
passing on
credit
information

(5) No person extending credit to a consumer shall divulge to other credit grantors or to a consumer reporting agency any information as to transactions or experiences between himself and the consumer except with the consent of the consumer or on his referral, unless he notifies the consumer in writing at the time of the application for credit that he intends to do so.

Form of
notice

(6) Any notice referred to in this section shall be clearly set forth in bold type not less than ten point in size.

(7) Where a benefit is denied to a consumer or a charge ^{Adverse action} to a consumer is increased either wholly or partly because of information received from a consumer reporting agency or a person other than a consumer reporting agency, the user of such information shall deliver to the consumer at the time such action is communicated to the consumer notice of the fact and, upon the request of the consumer made within sixty days after such notice, shall inform the consumer,

- (a) of the nature of the information where the information is furnished by a person other than a consumer reporting agency; or
- (b) of the name and address of the consumer reporting agency, where the information is furnished by a consumer reporting agency,

and the notice required to be given by the user under this subsection shall contain notice of the consumer's right to request the information referred to in clauses *a* and *b* and the time limited therefor.

11.—(1) Every consumer reporting agency shall, at the written request of a consumer and during normal business hours clearly and accurately disclose to the consumer, without charge, ^{Right of consumer to disclosure}

- (a) the nature and substance of all information in its files pertaining to the consumer at the time of the request;
- (b) the sources of credit information;
- (c) the names of the recipients of any consumer report pertaining to the consumer that it has furnished, containing,
 - (i) personal information, within the one year period preceding the request, and
 - (ii) credit information, within the six month period preceding the request;
- (d) copies of any written consumer report pertaining to the consumer made to any other person or, where the report was oral, particulars of the content of such oral report, furnished,
 - (i) where the report contains personal information, within the one year period preceding the request, and

- (ii) where the report contains credit information, within the six month period preceding the request,

and shall inform the consumer of his right to protest any information contained in the file under sections 12 and 13 and the manner in which a protest may be made.

Exception for
certain
medical
information

(2) A consumer reporting agency shall withhold from the disclosures required by subsection 1 any medical information obtained with the written consent of the consumer from the consumer's own physician and which the physician has specifically requested in writing be withheld from the consumer in his own best interest.

Method of
disclosure

(3) The disclosures required under this section shall be made to the consumer,

- (a) in person if he appears in person and furnishes proper identification;
- (b) by telephone if he has made a written request, with sufficient identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

Idem

(4) Every consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him under this section.

Consumer's
adviser

(5) The consumer shall be permitted to be accompanied by one other person of his choosing to whom the consumer reporting agency may be required by the consumer to disclose his file.

Abstract

(6) The consumer reporting agency shall permit the consumer to whom information is disclosed under this section to make an abstract thereof.

Identification

(7) A consumer reporting agency shall require reasonable identification of the consumer and a person accompanying him before making disclosures under this section.

No
conditions

(8) A consumer reporting agency shall not require a consumer to give any undertaking or waive or release any right as a condition precedent to his access to his file under this section.

Correction
of errors

12.—(1) Where a consumer disputes the accuracy or completeness of any item of information contained in his file, the consumer reporting agency within a reasonable time shall

use its best endeavours to confirm or complete the information and shall correct, supplement or delete the information in accordance with good practice.

(2) Where a consumer reporting agency corrects, supplements or deletes information under subsection 1, the consumer reporting agency shall furnish notification of the correction, supplement or deletion to,

- (a) all persons who have been supplied with a consumer report based on the unamended file within sixty days before the correction, supplement or deletion is made; and
- (b) the persons specifically designated by the consumer from among those who have been supplied with a consumer report based on the unamended file,
 - (i) where the report contains personal information, within the one year period preceding the correction, supplement or deletion, and
 - (ii) where the report contains credit information, within the six month period preceding the correction, supplement or deletion.

13.—(1) The Registrar may order a consumer reporting agency to amend or delete any information, or by order restrict or prohibit the use of any information, that in his opinion is inaccurate or incomplete or that does not comply with the provisions of this Act or the regulations. Order by Registrar re information

(2) The Registrar may order a consumer reporting agency to furnish notification to any person who has received a consumer report of any amendments, deletions, restrictions or prohibitions imposed by the Registrar. Enforcement of order

(3) Where the consumer or consumer reporting agency considers himself aggrieved by a decision of the Registrar under this section, he may apply to the Tribunal for a hearing and section 6 applies, *mutatis mutandis*, to the decision in the same manner as to a proposal by the Registrar under section 6 and as if the consumer and the consumer reporting agency each were an applicant or registrant, except that an order of the Registrar may be issued and take effect immediately, but the Tribunal may grant a stay until the order becomes final. Hearing by Tribunal

(4) At a hearing before the Tribunal for the purposes of subsection 3, the Tribunal may require the consumer reporting agency to disclose the source of any information contained in its files. Disclosure of sources

Notice of
material
changes

14. Every consumer reporting agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership; and
- (c) any commencement or termination of employment of a personal information investigator.

Investigation
of
complaints

15.—(1) Where the Registrar receives a written complaint in respect of a consumer reporting agency and so directs in writing, the consumer reporting agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The direction under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice at any reasonable time enter upon the business premises of the consumer reporting agency to make an inspection in relation to the complaint.

Investigation
on order
of Minister

16. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under the Act.

1971, c. 49

Investigation
by Director

17.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

R.S.C. 1970,
c. C-34

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section and, notwithstanding section 8, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents, consumer files and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. 1971, c. 49

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Obstruction of investigator

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. Entry and search

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose Removal of books, etc.

affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Certified
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of expert

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

18.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 15, 16 or 17 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil
suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

19.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address except that a notice under section 10, 12 or 14 is sufficiently given if sent by ordinary mail.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the third day after the day of mail-

ing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

20.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit. ^{Restraining order}

(2) An appeal lies to the Supreme Court from an order made ^{Appeal} under subsection 1.

21. No person shall knowingly supply false or misleading information to another who is engaged in making a consumer report. ^{False information}

22.—(1) Every person who,

^{Offences}

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under ^{Corporations} subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. ^{Limitation}

Idem

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate
as evidence

23.—(1) A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of
Minister's
signature

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

Regulations

24. The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of persons from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered consumer reporting agencies to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

- (f) requiring and governing the books, accounts and records that shall be kept by consumer reporting agencies;
- (g) prescribing information that may not be reported by a consumer reporting agency or contained in its files;
- (h) prescribing information that must be contained in a consumer report;
- (i) requiring consumer reporting agencies to make returns and furnish information to the Registrar;
- (j) prescribing forms for the purposes of this Act and providing for their use;
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

25.—(1) Notwithstanding any provision of this Act, a consumer reporting agency is not required to disclose the source of any information acquired before this Act comes into force. a ^{Disclosure of sources before Act in force}

(2) This section is repealed on the 1st day of July, 1974. Repeal of section

26. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

27. This Act may be cited as *The Consumer Reporting Act, 1973*. Short title

An Act to control the
Storage and Supply of personal
Information for rating Purposes

1st Reading

April 26th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

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(Reprinted as amended by the Administration of Justice Committee)



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The Bill regulates the giving of consumer reports and governs the disclosure and review of the information. Information as to credit history and as to character and health is included in the controls.

The main principles include the following:

1. Consumer reporting agencies are required to be registered.
2. Persons ordering consumer reports are required to notify the consumer.
3. If a credit information results in adverse action, the creditor is required to notify the consumer of the report.
4. The consumer may inspect all the information about him in the files of any consumer reporting agency.
5. The consumer may have information corrected, through the authority of a tribunal, if necessary.
6. The information that may be included in a consumer report is restricted to maintain a standard of accuracy, recency and corroboration.

An Act to control the Storage and Supply of personal Information for rating Purposes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

(a) “consumer” means a natural person but does not include a person engaging in a transaction, other than relating to employment, in the course of carrying on a business, trade or profession;

(b) “consumer report” means a written, oral or other communication by a consumer reporting agency of credit information or personal information, or both, pertaining to a consumer for consideration in connection with a purpose set out in clause *d* of subsection 1 of section 8;

(c) “consumer reporting agency” means a person who for gain or profit or on a regular co-operative non-profit basis furnishes consumer reports;

(d) “credit information” means information about a consumer as to name, age, occupation, place of residence, previous places of residence, marital status, spouse’s name and age, number of dependants, particulars of education or professional qualifications, places of employment, previous places of employment, estimated income, paying habits, outstanding debt obligations, cost of living obligations and assets;

(e) “Director” means the Executive Director of the Business Practices Division of the Ministry;

(f) “employment purposes” means the purposes of taking into employment, granting promotion, reassigning employment duties or retaining as an employee;

- (g) "file", when used as a noun, means all of the information pertaining to a consumer that is recorded and retained by a consumer reporting agency, regardless of the manner or form in which the information is stored;
- (h) "Minister" means the Minister of Consumer and Commercial Relations;
- (i) "person" means a natural person, an association of natural persons, a partnership or a corporation;
- (j) "personal information" means information other than credit information about a consumer's character, reputation, health, physical or personal characteristics or mode of living or about any other matter concerning the consumer;
- (k) "personal information investigator" means a person who obtains or reports personal information to a consumer reporting agency for hire or reward;
- (l) "Registrar" means the Registrar of Consumer Reporting Agencies;
- (m) "regulations" means the regulations made under this Act;
- (n) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

R.S.O. 1970,
c. 113

Agreements
to waive

(2) This Act applies notwithstanding any agreement or waiver to the contrary.

Registrar

2.—(1) There shall be a Registrar of Consumer Reporting Agencies who shall be appointed by the Lieutenant Governor in Council.

Duties

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Registration
required

3. No person shall conduct or act as a consumer reporting agency or act as a personal information investigator unless he is registered by the Registrar under this Act.

Registration
of agencies

4.—(1) An applicant is entitled to registration or renewal of registration as a consumer reporting agency by the Registrar except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) An applicant is entitled to registration or renewal of ^{Registration of} registration as a personal information investigator by the ^{Investigators} Registrar except where the past conduct of the applicant affords reasonable grounds for belief that he will not carry out his duties in accordance with law and with integrity and honesty.

(3) A registration is subject to such terms and conditions ^{Conditions of} to give effect to the purposes of this Act as are imposed by ^{registration} the Tribunal or prescribed by the regulations.

(4) A registration is not transferable.

not
transferable

5.—(1) Subject to section 6, the Registrar may refuse to ^{Refusal to} register an applicant where in the Registrar's opinion the ^{register} applicant is disentitled to registration under section 4.

(2) Subject to section 6, the Registrar may refuse to renew ^{Revocation and refusal} or may suspend or revoke a registration for any reason that ^{to renew} would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

6.—(1) Where the Registrar proposes to refuse to grant ^{Notice of} or renew a registration or proposes to suspend or revoke ^{proposal to} ^{refuse or} ^{revoke}

a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuance
pending
renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired

and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Order effective, stay
R.S.O. 1970, c. 113

7. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

Further applications

8.—(1) No consumer reporting agency and no officer or employee thereof shall knowingly furnish any information from the files of the consumer reporting agency except,

To whom reports may be given

- (a) in response to the order of a court having jurisdiction to issue such an order;
- (b) in accordance with the written instructions of the consumer to whom the information relates;
- (c) in response to an order or direction made under this Act; or
- (d) in a consumer report given to a person who it has reason to believe,
 - (i) intends to use the information in connection with the extension of credit to or the purchase or collection of a debt of the consumer to whom the information pertains,
 - (ii) intends to use the information in connection with the entering into or renewal of a tenancy agreement,
 - (iii) intends to use the information for employment purposes,
 - (iv) intends to use the information in connection with the underwriting of insurance involving the consumer,
 - (v) intends to use the information to determine the consumer's eligibility for any matter under a statute or regulation where the information is relevant to the requirement prescribed by law,

(vi) otherwise has a direct business need for the information in connection with a business or credit transaction involving the consumer, or

(vii) intends to use the information for the purpose of up-dating the information in a consumer report previously given to him for one of the reasons referred to in subclauses i to vi.

Idem

(2) No person shall knowingly obtain any information from the files of a consumer reporting agency respecting a consumer except for the purposes referred to in subsection 1.

Information
as to
identities

(3) Notwithstanding subsections 1 and 2, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to the Government of Ontario or of Canada or any province thereof or of any agency of such government or the government of any municipality in Canada or any agency thereof or to any police officer acting in the course of his duties, notwithstanding that such information is not to be used for a purpose mentioned in clause *d* of subsection 1.

Sale of
files

(4) No person who is or has been registered as a consumer reporting agency shall sell, lease or transfer title to its files or any of them except to a consumer reporting agency registered under this Act.

Procedures
of agencies

9.—(1) Every consumer reporting agency shall adopt all procedures reasonable for ensuring accuracy and fairness in the contents of its consumer reports.

Information
included in
consumer
report

(2) A consumer reporting agency shall not report,

(a) any information that is not stored in a form capable of being produced under section 11;

(b) any information that is not extracted from information appearing in files stored or collected in a repository located in Canada regardless of whether or not the information was obtained from a source outside Canada, except where the consumer report is in writing and contains the substance of any prior information orally acquired that conforms to the requirements of this Act.

Idem

(3) A consumer reporting agency shall not include in a consumer report,

(a) any credit information based on evidence that is not the best evidence reasonably available;

- (b) any unfavourable personal information unless it has made reasonable efforts to corroborate the evidence on which the personal information is based, and the lack of corroboration is noted with and accompanies the information;
- (c) information as to judgments after seven years after the judgment was given, unless the creditor or his agent confirms that it remains unpaid in whole or in part, and such confirmation appears in the file;
- (d) information as to any judgment against the consumer unless mention is made of the name and, where available, the address of the judgment creditor or his agent as given at the date of entry of the judgment and the amount;
- (e) information as to the bankruptcy of the consumer after seven years from the date of the discharge except where the consumer has been bankrupt more than once;
- (f) information regarding any judgments, collections or debts that on their face are statute barred unless it is accompanied by evidence appearing in the file that recovery is not barred by the expiration of a limitation period;
- (g) information as to the payment or non-payment of taxes or lawfully imposed fines after seven years;
- (h) information as to convictions for crimes, after seven years from the date of conviction or, where the conviction resulted in imprisonment, from the date of release or parole, provided information as to convictions for crimes shall not be reported if at any time it is learned that after a conviction an absolute discharge or a full pardon has been granted;
- (i) information regarding writs that are more than seven years old or writs that were issued against the consumer more than twelve months prior to the making of the report unless the consumer reporting agency has ascertained the current status of the action and has a record of this on file;
- (j) information regarding any criminal charges against the consumer where the charges have been dismissed, set aside or withdrawn;
- (k) any other adverse item of information where more than seven years have expired since the information was acquired or last reaffirmed;
- (l) information as to race, creed, colour, sex, ancestry, ethnic origin, or political affiliation; or

- (m) any information given orally in the consumer report unless the content of the oral report is recorded in the file;

Maintenance
of files

(4) Every consumer reporting agency shall maintain in its file respecting a person all the material and information of which the person is entitled to disclosure under section 11.

Disclosure
of report
on request

10.—(1) Every person shall, where requested by a consumer in writing or personally, inform the consumer whether or not a consumer report respecting him has been or is to be referred to in connection with any specified transaction or matter in which such person is engaged, and, if so, of the name and address of the consumer reporting agency supplying the report.

Notice of
intention
to procure
consumer
report

(2) No person shall procure from a consumer reporting agency or cause it to prepare a consumer report containing personal information respecting a consumer unless he notifies the consumer of the fact in writing before the report is requested and, where the consumer so requests in writing or personally, he shall inform the consumer of the name and address of the consumer reporting agency supplying the report.

Idem

(3) Where a person proposes to extend credit to a consumer and a consumer report containing credit information only is being or may be referred to in connection with the transaction, he shall give notice of the fact to the consumer in writing at the time of the application for credit, or if the application is made orally, orally at the time of the application for credit.

Assignee
as creditor

(4) Where, before extending credit, the proposed creditor obtains the acceptance or refusal of an assignment or proposed assignment of the credit transaction by an assignee or proposed assignee, subsection 3 applies to the assignee or proposed assignee in the same manner as to the person proposing to extend credit, but the giving of a notice under subsection 3 by a person proposing to extend credit or under this subsection by his assignee or proposed assignee shall be deemed to be sufficient notice by both.

Form of
notice

(5) Any notice referred to in this section shall be clearly set forth in bold type or underlined and in letters not less than ten point in size.

Adverse
action

(6) Where a benefit is denied to a consumer or a charge to a consumer is increased either wholly or partly because of information received from a consumer reporting agency or

a person other than a consumer reporting agency, the user of such information shall deliver to the consumer at the time such action is communicated to the consumer notice of the fact and, upon the request of the consumer made within sixty days after such notice, shall inform the consumer,

- (a) of the nature and source of the information where the information is furnished by a person other than a consumer reporting agency; or
- (b) of the name and address of the consumer reporting agency, where the information is furnished by a consumer reporting agency,

and the notice required to be given by the user under this subsection shall contain notice of the consumer's right to request the information referred to in clauses *a* and *b* and the time limited therefor.

11.—(1) Every consumer reporting agency shall, at the written request of a consumer and during normal business hours clearly and accurately disclose to the consumer, without charge, ^{Right of consumer to disclosure}

- (a) the nature and substance of all information in its files pertaining to the consumer at the time of the request;
- (b) the sources of credit information;
- (c) the names of the recipients of any consumer report pertaining to the consumer that it has furnished, containing,
 - (i) personal information, within the one year period preceding the request, and
 - (ii) credit information, within the six month period preceding the request;
- (d) copies of any written consumer report pertaining to the consumer made to any other person or, where the report was oral, particulars of the content of such oral report, furnished,
 - (i) where the report contains personal information, within the one year period preceding the request, and

- (ii) where the report contains credit information, within the six month period preceding the request,

and shall inform the consumer of his right to protest any information contained in the file under sections 12 and 13 and the manner in which a protest may be made.

Exception for
certain
medical
information

(2) A consumer reporting agency shall withhold from the disclosures required by subsection 1 any medical information obtained with the written consent of the consumer which the consumer's own physician has specifically requested in writing be withheld from the consumer in his own best interest.

Method of
disclosure

(3) The disclosures required under this section shall be made to the consumer,

- (a) in person if he appears in person and furnishes proper identification;
- (b) by telephone if he has made a written request, with sufficient identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

Idem

(4) Every consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him under this section.

Consumer's
adviser

(5) The consumer shall be permitted to be accompanied by one other person of his choosing to whom the consumer reporting agency may be required by the consumer to disclose his file.

Abstract

(6) The consumer reporting agency shall permit the consumer to whom information is disclosed under this section to make an abstract thereof.

Identification

(7) A consumer reporting agency shall require reasonable identification of the consumer and a person accompanying him before making disclosures under this section.

No
conditions

(8) A consumer reporting agency shall not require a consumer to give any undertaking or waive or release any right as a condition precedent to his access to his file under this section.

Correction
of errors

12.—(1) Where a consumer disputes the accuracy or completeness of any item of information contained in his file, the consumer reporting agency within a reasonable time shall

use its best endeavours to confirm or complete the information and shall correct, supplement or delete the information in accordance with good practice.

(2) Where a consumer reporting agency corrects, supplements or deletes information under subsection 1, the consumer reporting agency shall furnish notification of the correction, supplement or deletion to,

- (a) all persons who have been supplied with a consumer report based on the unamended file within sixty days before the correction, supplement or deletion is made; and
- (b) the persons specifically designated by the consumer from among those who have been supplied with a consumer report based on the unamended file,
 - (i) where the report contains personal information, within the one year period preceding the correction, supplement or deletion, and
 - (ii) where the report contains credit information, within the six month period preceding the correction, supplement or deletion.

13.—(1) The Registrar may order a consumer reporting agency to amend or delete any information, or by order restrict or prohibit the use of any information, that in his opinion is inaccurate or incomplete or that does not comply with the provisions of this Act or the regulations.

(2) The Registrar may order a consumer reporting agency to furnish notification to any person who has received a consumer report of any amendments, deletions, restrictions or prohibitions imposed by the Registrar.

(3) Where the consumer or consumer reporting agency considers himself aggrieved by a decision of the Registrar under this section, he may apply to the Tribunal for a hearing and section 6 applies, *mutatis mutandis*, to the decision in the same manner as to a proposal by the Registrar under section 6 and as if the consumer and the consumer reporting agency each were an applicant or registrant, except that an order of the Registrar may be issued and take effect immediately, but the Tribunal may grant a stay until the order becomes final.

(4) At a hearing before the Tribunal for the purposes of subsection 3, the Tribunal may require the consumer reporting agency to disclose the source of any information contained in its files.

Notice of
material
changes

14. Every consumer reporting agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership; and
- (c) any commencement or termination of employment of a personal information investigator.

Investigation
of
complaints

15.—(1) Where the Registrar receives a written complaint in respect of a consumer reporting agency and so directs in writing, the consumer reporting agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The direction under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice at any reasonable time enter upon the business premises of the consumer reporting agency to make an inspection in relation to the complaint.

Investigation
on order
of Minister

16. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under the Act.

1971, c. 49

Investigation
by Director

17.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

R.S.C. 1970,
c. C-34

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section and, notwithstanding section 8, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, ^{Powers of investigator}

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents, consumer files and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. ^{1971, c. 49}

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. ^{Entry and search}

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose ^{Removal of books, etc.}

affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Certified
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of expert

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

18.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 15, 16 or 17 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil
suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

19.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address except that a notice under section 10, 12 or 14 is sufficiently given if sent by ordinary mail.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the third day after the day of mail-

ing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

20.—(1) Where it appears to the Director that any person ^{Restraining order} does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Supreme Court from an order made ^{Appeal} under subsection 1.

21. No person shall knowingly supply false or misleading ^{False information} information to another who is engaged in making a consumer report.

22.—(1) Every person who, Offences

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under ^{Corporations} subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceeding under clause *a* of subsection 1 shall be ^{Limitation} commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate
as evidence

23.—(1) A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of
Minister's
signature

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

Regulations

24. The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of persons from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered consumer reporting agencies to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

- (f) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by consumer reporting agencies;
- (g) prescribing information that may not be reported by a consumer reporting agency or contained in its files;
- (h) prescribing information that must be contained in a consumer report;
- (i) requiring consumer reporting agencies to make returns and furnish information to the Registrar;
- (j) prescribing forms for the purposes of this Act and providing for their use;
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

25. Notwithstanding any provision of this Act, a consumer reporting agency is not required to disclose the source of any information acquired before this Act comes into force. Disclosure of sources before Act in force

26. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

27. This Act may be cited as *The Consumer Reporting Act, 1973*. Short title

An Act to control the
Storage and Supply of personal
Information for rating Purposes

1st Reading

April 26th, 1973

2nd Reading

May 29th, 1973

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Reprinted as amended by the
Administration of Justice Committee)

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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to control the Storage and Supply
of personal Information for rating Purposes**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

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- (b) "consumer report" means a written, oral or other communication by a consumer reporting agency of credit information or personal information, or both, pertaining to a consumer for consideration in connection with a purpose set out in clause *d* of subsection 1 of section 8;
- (c) "consumer reporting agency" means a person who for gain or profit or on a regular co-operative non-profit basis furnishes consumer reports;
- (d) "credit information" means information about a consumer as to name, age, occupation, place of residence, previous places of residence, marital status, spouse's name and age, number of dependants, particulars of education or professional qualifications, places of employment, previous places of employment, estimated income, paying habits, outstanding debt obligations, cost of living obligations and assets;
- (e) "Director" means the Executive Director of the Business Practices Division of the Ministry;
- (f) "employment purposes" means the purposes of taking into employment, granting promotion, reassigning employment duties or retaining as an employee;

- (g) "file", when used as a noun, means all of the information pertaining to a consumer that is recorded and retained by a consumer reporting agency, regardless of the manner or form in which the information is stored;
- (h) "Minister" means the Minister of Consumer and Commercial Relations;
- (i) "person" means a natural person, an association of natural persons, a partnership or a corporation;
- (j) "personal information" means information other than credit information about a consumer's character, reputation, health, physical or personal characteristics or mode of living or about any other matter concerning the consumer;
- (k) "personal information investigator" means a person who obtains or reports personal information to a consumer reporting agency for hire or reward;
- (l) "Registrar" means the Registrar of Consumer Reporting Agencies;
- (m) "regulations" means the regulations made under this Act;
- (n) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

R.S.O. 1970,
c. 113

Agreements
to waive

(2) This Act applies notwithstanding any agreement or waiver to the contrary.

Registrar

2.—(1) There shall be a Registrar of Consumer Reporting Agencies who shall be appointed by the Lieutenant Governor in Council.

Duties

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Registration
required

3. No person shall conduct or act as a consumer reporting agency or act as a personal information investigator unless he is registered by the Registrar under this Act.

Registration
of agencies

4.—(1) An applicant is entitled to registration or renewal of registration as a consumer reporting agency by the Registrar except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) An applicant is entitled to registration or renewal of registration as a personal information investigator by the Registrar except where the past conduct of the applicant affords reasonable grounds for belief that he will not carry out his duties in accordance with law and with integrity and honesty.

(3) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are imposed by the Tribunal or prescribed by the regulations.

(4) A registration is not transferable.

Registration
not
transferable

5.—(1) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4.

Refusal to
register

(2) Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

Revocation
and refusal
to renew

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke

Notice of
proposal to
refuse or
revoke

a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuance
pending
renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired

and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Order
effective,
stay
R.S.O. 1970,
c. 113

7. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

Further
applications

8.—(1) No consumer reporting agency and no officer or employee thereof shall knowingly furnish any information from the files of the consumer reporting agency except,

To whom
reports may
be given

- (a) in response to the order of a court having jurisdiction to issue such an order;
- (b) in accordance with the written instructions of the consumer to whom the information relates;
- (c) in response to an order or direction made under this Act; or
- (d) in a consumer report given to a person who it has reason to believe,
 - (i) intends to use the information in connection with the extension of credit to or the purchase or collection of a debt of the consumer to whom the information pertains,
 - (ii) intends to use the information in connection with the entering into or renewal of a tenancy agreement,
 - (iii) intends to use the information for employment purposes,
 - (iv) intends to use the information in connection with the underwriting of insurance involving the consumer,
 - (v) intends to use the information to determine the consumer's eligibility for any matter under a statute or regulation where the information is relevant to the requirement prescribed by law,

- (vi) otherwise has a direct business need for the information in connection with a business or credit transaction involving the consumer, or
- (vii) intends to use the information for the purpose of up-dating the information in a consumer report previously given to him for one of the reasons referred to in subclauses i to vi.

Idem

(2) No person shall knowingly obtain any information from the files of a consumer reporting agency respecting a consumer except for the purposes referred to in subsection 1.

Information
as to
identities

(3) Notwithstanding subsections 1 and 2, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to the Government of Ontario or of Canada or any province thereof or of any agency of such government or the government of any municipality in Canada or any agency thereof or to any police officer acting in the course of his duties, notwithstanding that such information is not to be used for a purpose mentioned in clause *d* of subsection 1.

Sale of
files

(4) No person who is or has been registered as a consumer reporting agency shall sell, lease or transfer title to its files or any of them except to a consumer reporting agency registered under this Act.

Procedures
of agencies

9.—(1) Every consumer reporting agency shall adopt all procedures reasonable for ensuring accuracy and fairness in the contents of its consumer reports.

Information
included in
consumer
report

(2) A consumer reporting agency shall not report,

- (a) any information that is not stored in a form capable of being produced under section 11;
- (b) any information that is not extracted from information appearing in files stored or collected in a repository located in Canada regardless of whether or not the information was obtained from a source outside Canada, except where the consumer report is in writing and contains the substance of any prior information orally acquired that conforms to the requirements of this Act.

Idem

(3) A consumer reporting agency shall not include in a consumer report,

- (a) any credit information based on evidence that is not the best evidence reasonably available;

- (b) any unfavourable personal information unless it has made reasonable efforts to corroborate the evidence on which the personal information is based, and the lack of corroboration is noted with and accompanies the information;
- (c) information as to judgments after seven years after the judgment was given, unless the creditor or his agent confirms that it remains unpaid in whole or in part, and such confirmation appears in the file;
- (d) information as to any judgment against the consumer unless mention is made of the name and, where available, the address of the judgment creditor or his agent as given at the date of entry of the judgment and the amount;
- (e) information as to the bankruptcy of the consumer after seven years from the date of the discharge except where the consumer has been bankrupt more than once;
- (f) information regarding any judgments, collections or debts that on their face are statute barred unless it is accompanied by evidence appearing in the file that recovery is not barred by the expiration of a limitation period;
- (g) information as to the payment or non-payment of taxes or lawfully imposed fines after seven years;
- (h) information as to convictions for crimes, after seven years from the date of conviction or, where the conviction resulted in imprisonment, from the date of release or parole, provided information as to convictions for crimes shall not be reported if at any time it is learned that after a conviction an absolute discharge or a full pardon has been granted;
- (i) information regarding writs that are more than seven years old or writs that were issued against the consumer more than twelve months prior to the making of the report unless the consumer reporting agency has ascertained the current status of the action and has a record of this on file;
- (j) information regarding any criminal charges against the consumer where the charges have been dismissed, set aside or withdrawn;
- (k) any other adverse item of information where more than seven years have expired since the information was acquired or last reaffirmed;
- (l) information as to race, creed, colour, sex, ancestry,, ethnic origin, or political affiliation; or

- (m) any information given orally in the consumer report unless the content of the oral report is recorded in the file;

Maintenance
of files

- (4) Every consumer reporting agency shall maintain in its file respecting a person all the material and information of which the person is entitled to disclosure under section 11.

Disclosure
of report
on request

- 10.—**(1) Every person shall, where requested by a consumer in writing or personally, inform the consumer whether or not a consumer report respecting him has been or is to be referred to in connection with any specified transaction or matter in which such person is engaged, and, if so, of the name and address of the consumer reporting agency supplying the report.

Notice of
intention
to procure
consumer
report

- (2) No person shall procure from a consumer reporting agency or cause it to prepare a consumer report containing personal information respecting a consumer unless he notifies the consumer of the fact in writing before the report is requested and, where the consumer so requests in writing or personally, he shall inform the consumer of the name and address of the consumer reporting agency supplying the report.

Idem

- (3) Where a person proposes to extend credit to a consumer and a consumer report containing credit information only is being or may be referred to in connection with the transaction, he shall give notice of the fact to the consumer in writing at the time of the application for credit, or if the application is made orally, orally at the time of the application for credit.

Assignee
as creditor

- (4) Where, before extending credit, the proposed creditor obtains the acceptance or refusal of an assignee or proposed assignment of the credit transaction by an assignee or proposed assignee, subsection 3 applies to the assignee or proposed assignee in the same manner as to the person proposing to extend credit, but the giving of a notice under subsection 3 by a person proposing to extend credit or under this subsection by his assignee or proposed assignee shall be deemed to be sufficient notice by both.

Limitation
on divulgence
of
information

- (5) No person extending credit to a consumer shall divulge to other credit grantors or to a consumer reporting agency any personal information respecting the consumer except with the consent of the consumer or on his referral unless he notifies the consumer in writing at the time of the application for credit that he intends to do so.

Form of
notice

- (6) Any notice referred to in this section shall be clearly set forth in bold type or underlined and in letters not less than ten point in size.

(7) Where a benefit is denied to a consumer or a charge ^{Adverse action} to a consumer is increased either wholly or partly because of information received from a consumer reporting agency or a person other than a consumer reporting agency, the user of such information shall deliver to the consumer at the time such action is communicated to the consumer notice of the fact and, upon the request of the consumer made within sixty days after such notice, shall inform the consumer,

- (a) of the nature and source of the information where the information is furnished by a person other than a consumer reporting agency; or
- (b) of the name and address of the consumer reporting agency, where the information is furnished by a consumer reporting agency,

and the notice required to be given by the user under this subsection shall contain notice of the consumer's right to request the information referred to in clauses *a* and *b* and the time limited therefor.

11.—(1) Every consumer reporting agency shall, at the written request of a consumer and during normal business hours clearly and accurately disclose to the consumer, without charge, ^{Right of consumer to disclosure}

- (a) the nature and substance of all information in its files pertaining to the consumer at the time of the request;
- (b) the sources of credit information;
- (c) the names of the recipients of any consumer report pertaining to the consumer that it has furnished, containing,
 - (i) personal information, within the one year period preceding the request, and
 - (ii) credit information, within the six month period preceding the request;
- (d) copies of any written consumer report pertaining to the consumer made to any other person or, where the report was oral, particulars of the content of such oral report, furnished,
 - (i) where the report contains personal information, within the one year period preceding the request, and

- (ii) where the report contains credit information, within the six month period preceding the request,

and shall inform the consumer of his right to protest any information contained in the file under sections 12 and 13 and the manner in which a protest may be made.

Exception for
certain
medical
information

(2) A consumer reporting agency shall withhold from the disclosures required by subsection 1 any medical information obtained with the written consent of the consumer which the consumer's own physician has specifically requested in writing be withheld from the consumer in his own best interest.

Method of
disclosure

(3) The disclosures required under this section shall be made to the consumer,

- (a) in person if he appears in person and furnishes proper identification;
- (b) by telephone if he has made a written request, with sufficient identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

Idem

(4) Every consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him under this section.

Consumer's
adviser

(5) The consumer shall be permitted to be accompanied by one other person of his choosing to whom the consumer reporting agency may be required by the consumer to disclose his file.

Abstract

(6) The consumer reporting agency shall permit the consumer to whom information is disclosed under this section to make an abstract thereof.

Identification

(7) A consumer reporting agency shall require reasonable identification of the consumer and a person accompanying him before making disclosures under this section.

No
conditions

(8) A consumer reporting agency shall not require a consumer to give any undertaking or waive or release any right as a condition precedent to his access to his file under this section.

Correction
of errors

12.—(1) Where a consumer disputes the accuracy or completeness of any item of information contained in his file, the consumer reporting agency within a reasonable time shall

use its best endeavours to confirm or complete the information and shall correct, supplement or delete the information in accordance with good practice.

(2) Where a consumer reporting agency corrects, supplements or deletes information under subsection 1, the consumer reporting agency shall furnish notification of the correction, supplement or deletion to,

- (a) all persons who have been supplied with a consumer report based on the unamended file within sixty days before the correction, supplement or deletion is made; and
- (b) the persons specifically designated by the consumer from among those who have been supplied with a consumer report based on the unamended file,
 - (i) where the report contains personal information, within the one year period preceding the correction, supplement or deletion, and
 - (ii) where the report contains credit information, within the six month period preceding the correction, supplement or deletion.

13.—(1) The Registrar may order a consumer reporting agency to amend or delete any information, or by order restrict or prohibit the use of any information, that in his opinion is inaccurate or incomplete or that does not comply with the provisions of this Act or the regulations.

(2) The Registrar may order a consumer reporting agency to furnish notification to any person who has received a consumer report of any amendments, deletions, restrictions or prohibitions imposed by the Registrar.

(3) Where the consumer or consumer reporting agency considers himself aggrieved by a decision of the Registrar under this section, he may apply to the Tribunal for a hearing and section 6 applies, *mutatis mutandis*, to the decision in the same manner as to a proposal by the Registrar under section 6 and as if the consumer and the consumer reporting agency each were an applicant or registrant, except that an order of the Registrar may be issued and take effect immediately, but the Tribunal may grant a stay until the order becomes final.

(4) At a hearing before the Tribunal for the purposes of subsection 3, the Tribunal may require the consumer reporting agency to disclose the source of any information contained in its files.

Notice of
material
changes

14. Every consumer reporting agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership; and
- (c) any commencement or termination of employment of a personal information investigator.

Investigation
of
complaints

15.—(1) Where the Registrar receives a written complaint in respect of a consumer reporting agency and so directs in writing, the consumer reporting agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The direction under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice at any reasonable time enter upon the business premises of the consumer reporting agency to make an inspection in relation to the complaint.

Investigation
on order
of Minister

16. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under the Act.

1971, c. 49

Investigation
by Director

17.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

R.S.C. 1970,
c. C-34

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section and, notwithstanding section 8, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, ^{Powers of investigator}

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents, consumer files and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. ^{1971, c. 49}

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. ^{Entry and search}

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose ^{Removal of books, etc.}

affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Certified
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of expert

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

18.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 15, 16 or 17 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony
in civil
suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

19.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address except that a notice under section 10, 12 or 14 is sufficiently given if sent by ordinary mail.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the third day after the day of mail-

ing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

20.—(1) Where it appears to the Director that any person ^{Restraining order} does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Supreme Court from an order made ^{Appeal} under subsection 1.

21. No person shall knowingly supply false or misleading ^{False information} information to another who is engaged in making a consumer report.

22.—(1) Every person who,

^{Offences}

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under ^{Corporations} subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceeding under clause *a* of subsection 1 shall be ^{Limitation} commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate
as evidence

23.—(1) A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of
Minister's
signature

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

Regulations

24. The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of persons from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered consumer reporting agencies to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

- (f) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by consumer reporting agencies;
- (g) prescribing information that may not be reported by a consumer reporting agency or contained in its files;
- (h) prescribing information that must be contained in a consumer report;
- (i) requiring consumer reporting agencies to make returns and furnish information to the Registrar;
- (j) prescribing forms for the purposes of this Act and providing for their use;
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

25.—(1) Notwithstanding any provision of this Act, a consumer reporting agency is not required to disclose the source of any information acquired before this Act comes into force. ^{Disclosure of sources before Act in force}

(2) This section is repealed on the 1st day of July, 1975. ^{Repeal of section}

26. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

27. This Act may be cited as *The Consumer Reporting Act, 1973*. ^{Short title}

An Act to control the
Storage and Supply of personal
Information for rating Purposes

1st Reading

April 26th, 1973

2nd Reading

May 29th, 1973

3rd Reading

October 30th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

CA20N
XB
-B 56

BILL 102

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Consumer Protection Act

MR. BURR



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill removes the practice of calculating the cost of borrowing on the previous monthly balance in a variable credit transaction.

The average daily balance is to be used instead.

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 37 of *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (1) In this section,

Interpre-
tation

- (a) “average daily balance” means the average of the daily amounts outstanding in the borrower’s account during a period determined by adding the balance outstanding for each day of the period and dividing the sum thereof by the number of days in the period;
- (b) “period” means a period of time of not less than four weeks and not more than five weeks in duration;
- (c) “previous balance method” means that method by which the cost of borrowing for a period is determined by multiplying the unpaid balance at the end of the previous period, not including purchases and credits during the current period, by the percentage rate by which the cost of borrowing is expressed as prescribed by the regulations.

- (2) The said section 37 is amended by adding thereto the following subsections:

s. 37,
amended

(3) Notwithstanding subsection 2, where a lender is extending variable credit the method of determining the cost of borrowing during each period shall be based on the average daily balance.

Average
daily
balance
to be
used

(4) No lender who is extending variable credit shall use the previous balance method.

Previous
balance
method
prohibited

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Consumer Protection Amendment Act, 1973*.

An Act to amend
The Consumer Protection Act

1st Reading

April 26th, 1973

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

B- 1025 2nd ed. 1973
B 56

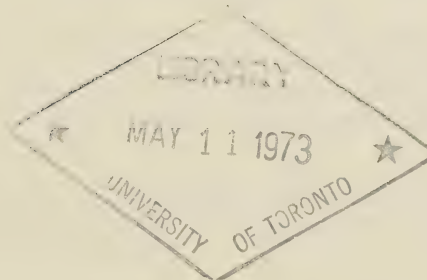
BILL 103

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Business Corporations Act

MR. ROY



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to prevent corporations from forcing persons to submit their finger prints in exchange for the right to shop at stores owned by the corporation.

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

20a.—(1) Subject to subsection 2, no corporation shall require a person to submit a finger print as part of a contract for goods or services supplied by the corporation.

(2) A corporation may require a finger print to be submitted by a person where,

- (a) payment for the goods and services supplied by the corporation is to be by means of a cheque; and
- (b) the person is not able to supply any other form of identification other than a finger print.

(3) Where a finger print is required under subsection 2, the corporation requiring the finger print shall post a sign on the outside or entrance way to the corporation sufficient to notify a person before he begins to contract for goods or services that a finger print may be required.

20b.—(1) Where a finger print is submitted under subsection 2 of section 20a, the finger print shall be used only to verify the identification of the person submitting the finger print and shall be returned to that person after the verification has been made.

(2) No copy either by photocopying, Xerox or any other means of copying shall be made of a finger print submitted under subsection 2 of section 20a.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Business Corporations Amendment Act, 1973*.

An Act to amend
The Business Corporations Act

1st Reading

April 26th, 1973

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

CA20N

XB

-B 56

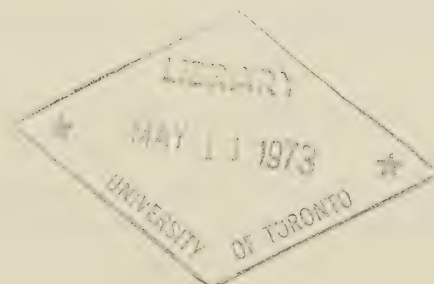
BILL 104

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Law Society Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Four lay persons are added to the benchers, to be appointed by the Lieutenant Governor in Council.

SECTION 2. The Law Society Council is abolished, but an annual meeting of representatives of the benchers, county law associations and law schools is retained.

An Act to amend The Law Society Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act*, being chapter 238 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 23a,
enacted

23a.—(1) The Lieutenant Governor in Council may appoint Benchers
appointed
by
L.G. in C. four persons who are not members to be benchers of whom two shall be persons ordinarily resident in The Municipality of Metropolitan Toronto and two shall be persons ordinarily resident in Ontario outside of The Municipality of Metropolitan Toronto, and each person so appointed has all the rights and privileges of an elected bencher.

(2) The appointment of every person appointed under sub-section 1 expires at the first regular Convocation following the election of benchers held next after the effective date of his appointment, and a person whose appointment expires is eligible for reappointment. Expiration
of appoint-
ment

2. Section 26 of the said Act is repealed and the following substituted therefor: s. 26,
re-enacted

26. The Treasurer shall convene a meeting in each year Meeting consisting of,

- (a) the chairman and the vice-chairman of each standing committee;
- (b) the president of each county or district law association, or his nominee, being a member of his association; and
- (c) one member who is a full-time teacher at each law school in Ontario approved by the Society, to be appointed annually by the faculty of the law school,

to consider the manner in which the members of the Society are discharging their obligations to the public and generally matters affecting the legal profession as a whole.

ss. 51a to 51h,
enacted

3. The said Act is further amended by adding thereto the following sections:

LAW FOUNDATION

Interpre-
tation

51a. In this section and in sections 51b, 51c, 51d, 51e, 51f, 51g and 51h,

- (a) "board" means the board of trustees of the Foundation;
- (b) "Foundation" means The Law Foundation established under section 51b;
- (c) "trustee" means a trustee of the board.

Foundation
established

51b.—(1) There is hereby established a corporation without share capital under the name of "The Law Foundation", which shall consist of the trustees for the time being of the board.

Application
of R.S.O.
1970, c. 89

- (2) *The Corporations Act* does not apply to the Foundation.

Board of
trustees

51c.—(1) The affairs of the Foundation shall be managed and controlled by a board of trustees consisting of five trustees of whom two shall be appointed by the Attorney General and three shall be appointed by the Society.

Quorum

- (2) Three trustees constitute a quorum.

Vacancies

(3) Where there are not more than two vacancies in the membership of the board, the remaining trustees constitute the board for all purposes.

Remunera-
tion

(4) The trustees shall serve without remuneration, but each trustee is entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the board.

Audit

(5) The accounts and financial transactions of the Foundation shall be audited annually by an auditor or auditors appointed by the board.

Annual
report

(6) The board shall make a report annually to the Attorney General on the activities of the Foundation, including the report of the auditor under subsection 5, and the Attorney General shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

SECTION 3. The Law Foundation is established for the purpose of receiving the interest on mixed trust accounts and applying it to certain public purposes.

51*d*.—(1) The objects of the Foundation are to establish ^{Objects} and maintain a fund to be used for any or all of the following purposes:

1. Legal education and legal research.
2. Legal aid.
3. The establishment, maintenance and operation of law libraries.

(2) The funds of the Foundation shall be derived from, ^{Derivation of funds}

- (a) moneys received from members under section 51*f*;
- (b) gifts, bequests and devises referred to in section 51*e*; and
- (c) moneys resulting from the use, disposal or investment of property received under clauses *a* and *b*.

(3) The board shall apply the funds of the Foundation ^{Application of funds} for such of its purposes as the board considers appropriate but at least 75 per cent of the revenue received in each year under clause *a* of subsection 2 shall be paid to the Legal Aid Fund established under *The Legal Aid Act*.

R.S.O. 1970,
c. 239

51*e*.—(1) In addition to the powers and privileges mentioned ^{Powers of Foundation} in section 26 of *The Interpretation Act*, the Foundation has <sup>R.S.O. 1970,
c. 225</sup> power,

- (a) to invest the funds of the Foundation in such classes of securities as trustees are authorized to invest trust funds;
- (b) to pay out of the funds of the Foundation the costs, charges and expenses necessarily incurred in the administration of the Foundation and in carrying out its objects;
- (c) to enter into agreements with any person and pay and apply any of its funds for the implementation of its objects.

(2) The Foundation has power to receive gifts, bequests ^{Gifts, devises, etc.} and devises of property, real or personal, and to hold, use or dispose of such property in furtherance of the objects of the Foundation, subject to the terms of any trust affecting the same.

Idem	(3) Any form of words is sufficient to constitute a gift, bequest or devise to the Foundation so long as the person making the gift, bequest or devise indicates an intention to contribute presently or prospectively to the Foundation.
Powers of the board	(4) The board may pass by-laws not contrary to this Act to achieve the objects of the Foundation and to regulate and govern its procedure and the conduct and administration of the affairs of the Foundation.
Trust funds to bear interest	51f.—(1) Every member who holds money in trust for or on account of more than one client in one fund shall hold the money in an interest bearing account at a chartered bank or registered trust company.
Interest in trust	(2) The interest accruing on money held in an account referred to in subsection 1 shall be deemed to be held in trust for the Foundation.
Payment of interest to Foundation	(3) Every member to whom subsection 1 applies shall, <ul style="list-style-type: none"> (a) file reports with the Foundation as to the interest referred to in subsection 2; and (b) remit to the Foundation all interest moneys referred to in subsection 2, in the manner and at the times prescribed by the regulations.
Immunity	(4) Subject to subsection 5, a member is not liable, whether as solicitor or as trustee, to account to any person as client or as settlor or beneficiary of the trust other than the Foundation, for interest on moneys held under subsection 1.
Exceptions	(5) Nothing in this section shall be deemed to affect, <ul style="list-style-type: none"> (a) any arrangement in writing between a member and the person for whom he holds money in trust as to the disposition of the interest accruing thereon; or (b) any entitlement to the interest accruing on money held in trust in an account separate from any other money.
Application of section	(6) This section applies in respect of interest on trust accounts accruing after this section comes into force and in respect of interest on trust accounts accruing before this section comes into force and undisposed of on the 30th day of April, 1973.

51g.—(1) The Society shall in each year report to the Foundation the name and office or residence address shown by the records of the Society of every member who files a report with the Society that shows the member holds money on deposit in a trust account for or on account of clients. ^{Report by Society}

(2) The Foundation may require a member whose name is contained in a report by the Society under subsection 1 to file a report with the Foundation stating whether or not the member has received or been credited with interest on moneys held by him in a trust account for or on account of clients. ^{Report by member}

51h. Subject to the approval of the Lieutenant Governor in Council, the board may make regulations, ^{Regulations}

- (a) governing the form, content and filing of the reports required under section 51f;
- (b) governing the time and manner of remitting the interest moneys referred to in section 51f to the Foundation;
- (c) prescribing the form and the time of filing of reports required under section 51g.

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. ^{Commence-ment}

(2) Section 3 comes into force on the 1st day of July, 1973. ^{Idem}

5. This Act may be cited as *The Law Society Amendment Act, 1973*. ^{Short title}

An Act to amend
The Law Society Act

1st Reading

April 30th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Law Society Act

THE HON. D. A. BALES
Attorney General



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Four lay persons are added to the benchers, to be appointed by the Lieutenant Governor in Council.

SECTION 2. The Law Society Council is abolished, but an annual meeting of representatives of the benchers, county law associations and law schools is retained.

An Act to amend The Law Society Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act*, being chapter 238 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: <sup>s. 23a.
enacted</sup>

23a.—(1) The Lieutenant Governor in Council may appoint <sup>Benchers
appointed
by
L.G. in C.</sup> four persons who are not members to be benchers of whom two shall be persons ordinarily resident in The Municipality of Metropolitan Toronto and two shall be persons ordinarily resident in Ontario outside of The Municipality of Metropolitan Toronto, and each person so appointed has all the rights and privileges of an elected bencher.

(2) The appointment of every person appointed under sub-section 1 expires at the first regular Convocation following <sup>-Expiration
of appoint-
ment</sup> the election of benchers held next after the effective date of his appointment, and a person whose appointment expires is eligible for reappointment.

2. Section 26 of the said Act is repealed and the following sub- <sup>s. 26.
re-enacted</sup> stituted therefor:

26. The Treasurer shall convene a meeting in each year ^{Meeting} consisting of,

- (a) the chairman and the vice-chairman of each standing committee;
- (b) the president of each county or district law association, or his nominee, being a member of his association; and
- (c) one member who is a full-time teacher at each law school in Ontario approved by the Society, to be appointed annually by the faculty of the law school,

to consider the manner in which the members of the Society are discharging their obligations to the public and generally matters affecting the legal profession as a whole.

ss. 51a to 51h,
enacted

3. The said Act is further amended by adding thereto the following sections:

THE LAW FOUNDATION OF ONTARIO

Interpre-
tation

51a. In this section and in sections 51b, 51c, 51d, 51e, 51f, 51g and 51h,

- (a) "board" means the board of trustees of the Foundation;
- (b) "Foundation" means The Law Foundation of Ontario established under section 51b;
- (c) "trustee" means a trustee of the board.

Foundation
established

51b.—(1) There is hereby established a corporation without share capital under the name of "The Law Foundation of Ontario", which shall consist of the trustees for the time being of the board.

Application
of R.S.O.
1970, c. 89

(2) *The Corporations Act* does not apply to the Foundation.

Board of
trustees

51c.—(1) The affairs of the Foundation shall be managed and controlled by a board of trustees consisting of five trustees of whom two shall be appointed by the Attorney General and three shall be appointed by the Society.

Quorum

(2) Three trustees constitute a quorum.

Vacancies

(3) Where there are not more than two vacancies in the membership of the board, the remaining trustees constitute the board for all purposes.

Remunera-
tion

(4) The trustees shall serve without remuneration, but each trustee is entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the board.

Audit

(5) The accounts and financial transactions of the Foundation shall be audited annually by an auditor or auditors appointed by the board.

Annual
report

(6) The board shall make a report annually to the Attorney General on the activities of the Foundation, including the report of the auditor under subsection 5, and the Attorney General shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

SECTION 3. The Law Foundation of Ontario is established for the purpose of receiving the interest on mixed trust accounts and applying it to certain public purposes.

51*d*.—(1) The objects of the Foundation are to establish ^{Objects} and maintain a fund to be used for any or all of the following purposes:

1. Legal education and legal research.
2. Legal aid.
3. The establishment, maintenance and operation of law libraries.

(2) The funds of the Foundation shall be derived from, ^{Derivation of funds}

- (a) moneys received from members under section 51*f*;
- (b) gifts, bequests and devises referred to in section 51*e*; and
- (c) moneys resulting from the use, disposal or investment of property received under clauses *a* and *b*.

(3) The board shall apply the funds of the Foundation ^{Application of funds} for such of its purposes as the board considers appropriate but at least 75 per cent of the net revenue received in each year under clause *a* of subsection 2 shall be paid to the Legal Aid Fund established under *The Legal Aid Act*.

R.S.O. 1970,
c. 239

51*e*.—(1) In addition to the powers and privileges mentioned ^{Powers of Foundation} in section 26 of *The Interpretation Act*, the Foundation has power,

R.S.O. 1970,
c. 225

- (a) to invest the funds of the Foundation in such classes of securities as trustees are authorized to invest trust funds;
- (b) to pay out of the funds of the Foundation the costs, charges and expenses necessarily incurred in the administration of the Foundation and in carrying out its objects;
- (c) to enter into agreements with any person and pay and apply any of its funds for the implementation of its objects.

(2) The Foundation has power to receive gifts, bequests ^{Gifts, devises, etc.} and devises of property, real or personal, and to hold, use or dispose of such property in furtherance of the objects of the Foundation, subject to the terms of any trust affecting the same.

Idem

(3) Any form of words is sufficient to constitute a gift, bequest or devise to the Foundation so long as the person making the gift, bequest or devise indicates an intention to contribute presently or prospectively to the Foundation.

Powers of the board

(4) The board may pass by-laws not contrary to this Act to achieve the objects of the Foundation and to regulate and govern its procedure and the conduct and administration of the affairs of the Foundation.

Trust funds to bear interest

51f.—(1) Every member who holds money in trust for or on account of more than one client in one fund shall hold the money in an account at a chartered bank, provincial savings office or registered trust company, bearing interest at a rate approved by the trustees.

Interest in trust

(2) The interest accruing on money held in an account referred to in subsection 1 shall be deemed to be held in trust for the Foundation.

(3) Every member to whom subsection 1 applies shall,

(a) file reports with the Foundation as to the interest referred to in subsection 2; and

(b) remit or cause to be remitted to the Foundation all interest moneys referred to in subsection 2,

in the manner and at the times prescribed by the regulations.

Immunity

(4) Subject to subsection 5, a member is not liable, whether as solicitor or as trustee, to account to any person as client or as settlor or beneficiary of the trust other than the Foundation, for interest on moneys held under subsection 1.

Exceptions

(5) Nothing in this section shall be deemed to affect,

(a) any arrangement in writing between a member and the person for whom he holds money in trust as to the disposition of the interest accruing thereon; or

(b) any entitlement by a client to the interest accruing on money held in trust in an account separate from any other money.

Report by Society


51g.—(1) The Society shall in each year report to the Foundation the name and office or residence address shown by the records of the Society of every member who files a report with the Society that shows the member holds money on deposit in a trust account for or on account of clients.

(2) The Foundation may require a member whose name is ^{Report by member} contained in a report by the Society under subsection 1 to file a report with the Foundation stating whether or not the member has received or been credited with interest on moneys held by him in a trust account for or on account of clients.

51h. Subject to the approval of the Lieutenant Governor ^{Regulations} in Council, the board may make regulations,

- (a) governing the form, content and filing of the reports required under section 51f;
- (b) governing the time and manner of remitting the interest moneys referred to in section 51f to the Foundation;
- (c) prescribing the form and the time of filing of reports required under section 51g.

4.—(1) This Act, except section 3, comes into force on the day ^{Commence-} it receives Royal Assent. ^{ment}

(2) Section 3 comes into force on a day to be named by ^{Idem} the Lieutenant Governor by his proclamation. 

5. This Act may be cited as *The Law Society Amendment Act*, ^{Short title} 1973.

An Act to amend
The Law Society Act

1st Reading

April 30th, 1973

2nd Reading

June 20th, 1973

3rd Reading

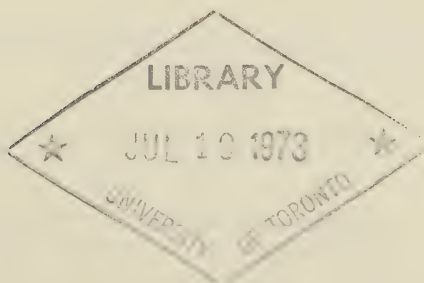
THE HON. D. A. BALES
Attorney General

(Reprinted as amended by the
Committee of the Whole House)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Law Society Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Law Society Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act*, being chapter 238 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

23a.—(1) The Lieutenant Governor in Council may appoint ^{Benchers appointed by L.G. in C.} four persons who are not members to be benchers of whom two shall be persons ordinarily resident in The Municipality of Metropolitan Toronto and two shall be persons ordinarily resident in Ontario outside of The Municipality of Metropolitan Toronto, and each person so appointed has all the rights and privileges of an elected bencher.

(2) The appointment of every person appointed under sub-section 1 expires at the first regular Convocation following ^{Expiration of appointment} the election of benchers held next after the effective date of his appointment, and a person whose appointment expires is eligible for reappointment.

2. Section 26 of the said Act is repealed and the following sub- ^{s. 26, re-enacted} stituted therefor:

26. The Treasurer shall convene a meeting in each year ^{Meeting} consisting of,

- (a) the chairman and the vice-chairman of each standing committee;
- (b) the president of each county or district law association, or his nominee, being a member of his association; and
- (c) one member who is a full-time teacher at each law school in Ontario approved by the Society, to be appointed annually by the faculty of the law school,

to consider the manner in which the members of the Society are discharging their obligations to the public and generally matters affecting the legal profession as a whole.

ss. 51a to 51h,
enacted

3. The said Act is further amended by adding thereto the following sections:

THE LAW FOUNDATION OF ONTARIO

Interpre-
tation

51a. In this section and in sections 51b, 51c, 51d, 51e, 51f, 51g and 51h,

- (a) "board" means the board of trustees of the Foundation;
- (b) "Foundation" means The Law Foundation of Ontario established under section 51b;
- (c) "trustee" means a trustee of the board.

Foundation
established

51b.—(1) There is hereby established a corporation without share capital under the name of "The Law Foundation of Ontario", which shall consist of the trustees for the time being of the board.

Application
of R.S.O.
1970, c. 89

(2) *The Corporations Act* does not apply to the Foundation.

Board of
trustees

51c.—(1) The affairs of the Foundation shall be managed and controlled by a board of trustees consisting of five trustees of whom two shall be appointed by the Attorney General and three shall be appointed by the Society.

Quorum

(2) Three trustees constitute a quorum.

Vacancies

(3) Where there are not more than two vacancies in the membership of the board, the remaining trustees constitute the board for all purposes.

Remunera-
tion

(4) The trustees shall serve without remuneration, but each trustee is entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the board.

Audit

(5) The accounts and financial transactions of the Foundation shall be audited annually by an auditor or auditors appointed by the board.

Annual
report

(6) The board shall make a report annually to the Attorney General on the activities of the Foundation, including the report of the auditor under subsection 5, and the Attorney General shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

51*d*.—(1) The objects of the Foundation are to establish ^{Objects} and maintain a fund to be used for any or all of the following purposes:

1. Legal education and legal research.
2. Legal aid.
3. The establishment, maintenance and operation of law libraries.

(2) The funds of the Foundation shall be derived from, ^{Derivation of funds}

- (a) moneys received from members under section 51*f*;
- (b) gifts, bequests and devises referred to in section 51*e*; and
- (c) moneys resulting from the use, disposal or investment of property received under clauses *a* and *b*.

(3) The board shall apply the funds of the Foundation ^{Application of funds} for such of its purposes as the board considers appropriate but at least 75 per cent of the net revenue received in each year under clause *a* of subsection 2 shall be paid to the Legal Aid Fund established under *The Legal Aid Act*.

R.S.O. 1970,
c. 239

51*e*.—(1) In addition to the powers and privileges mentioned ^{Powers of Foundation} in section 26 of *The Interpretation Act*, the Foundation has power,

R.S.O. 1970,
c. 225

- (a) to invest the funds of the Foundation in such classes of securities as trustees are authorized to invest trust funds;
- (b) to pay out of the funds of the Foundation the costs, charges and expenses necessarily incurred in the administration of the Foundation and in carrying out its objects;
- (c) to enter into agreements with any person and pay and apply any of its funds for the implementation of its objects.

(2) The Foundation has power to receive gifts, bequests ^{Gifts, devises, etc.} and devises of property, real or personal, and to hold, use or dispose of such property in furtherance of the objects of the Foundation, subject to the terms of any trust affecting the same.

Idem	(3) Any form of words is sufficient to constitute a gift, bequest or devise to the Foundation so long as the person making the gift, bequest or devise indicates an intention to contribute presently or prospectively to the Foundation.
Powers of the board	(4) The board may pass by-laws not contrary to this Act to achieve the objects of the Foundation and to regulate and govern its procedure and the conduct and administration of the affairs of the Foundation.
Trust funds to bear interest	51f.—(1) Every member who holds money in trust for or on account of more than one client in one fund shall hold the money in an account at a chartered bank, provincial savings office or registered trust company, bearing interest at a rate approved by the trustees.
Interest in trust	(2) The interest accruing on money held in an account referred to in subsection 1 shall be deemed to be held in trust for the Foundation.
	(3) Every member to whom subsection 1 applies shall, <ul style="list-style-type: none"> (a) file reports with the Foundation as to the interest referred to in subsection 2; and (b) remit or cause to be remitted to the Foundation all interest moneys referred to in subsection 2, in the manner and at the times prescribed by the regulations.
Immunity	(4) Subject to subsection 5, a member is not liable, whether as solicitor or as trustee, to account to any person as client or as settlor or beneficiary of the trust other than the Foundation, for interest on moneys held under subsection 1.
Exceptions	(5) Nothing in this section shall be deemed to affect, <ul style="list-style-type: none"> (a) any arrangement in writing between a member and the person for whom he holds money in trust as to the disposition of the interest accruing thereon; or (b) any entitlement by a client to the interest accruing on money held in trust in an account separate from any other money.
Report by Society	51g.—(1) The Society shall in each year report to the Foundation the name and office or residence address shown by the records of the Society of every member who files a report with the Society that shows the member holds money on deposit in a trust account for or on account of clients.

(2) The Foundation may require a member whose name is contained in a report by the Society under subsection 1 to file a report with the Foundation stating whether or not the member has received or been credited with interest on moneys held by him in a trust account for or on account of clients.

Report by
member

51h. Subject to the approval of the Lieutenant Governor in Council, the board may make regulations,

Regulations

- (a) governing the form, content and filing of the reports required under section 51f;
- (b) governing the time and manner of remitting the interest moneys referred to in section 51f to the Foundation;
- (c) prescribing the form and the time of filing of reports required under section 51g.

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

5. This Act may be cited as *The Law Society Amendment Act, 1973*.

Short title

An Act to amend
The Law Society Act

1st Reading

April 30th, 1973

2nd Reading

June 20th, 1973

3rd Reading

June 22nd, 1973

THE HON. D. A. BALES
Attorney General

CA20N
XB
-B56

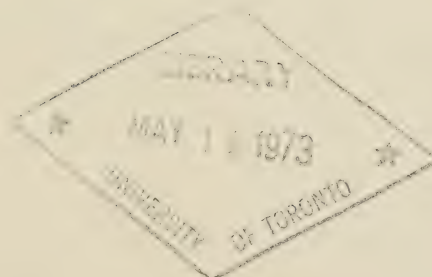
BILL 105

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Legal Aid Act

THE HON. D. A. BALES
Attorney General



EXPLANATORY NOTE

Payments by the Law Foundation out of interest accruing on mixed trust accounts of lawyers is added to the revenues of the Legal Aid Fund.

This Bill is complementary to a Bill to amend *The Law Society Act*.

BILL 105

1973

An Act to amend The Legal Aid Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 5 of *The Legal Aid Act*, ^{s. 5 (1) (a), amended} being chapter 239 of the Revised Statutes of Ontario, 1970, is amended by inserting after "Fund" in the third line "all moneys payable by the Law Foundation".
2. This Act comes into force on the 1st day of July, 1973. Commence-
ment
3. This Act may be cited as *The Legal Aid Amendment Act, 1973*. Short title

An Act to amend
The Legal Aid Act

1st Reading

April 30th, 1973

2nd Reading

3rd Reading

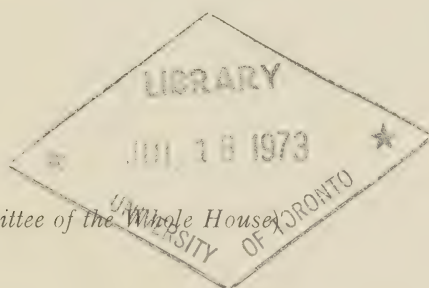
THE HON. D. A. BALES
Attorney General

(Government Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Legal Aid Act

THE HON. D. A. BALES
Attorney General



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Payments by the Law Foundation out of interest accruing on mixed trust accounts of lawyers is added to the revenues of the Legal Aid Fund.

This Bill is complementary to a Bill to amend *The Law Society Act*.

BILL 105

1973

An Act to amend The Legal Aid Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 5 of *The Legal Aid Act*, ^{s. 5 (1) (a), amended} being chapter 239 of the Revised Statutes of Ontario, 1970, is amended by inserting after "Fund" in the third line "all moneys payable by the Law Foundation of Ontario".
2. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation. ^{ment}
3. This Act may be cited as *The Legal Aid Amendment Act, 1973*. ^{Short title}

An Act to amend
The Legal Aid Act

1st Reading

April 30th, 1973

2nd Reading

June 19th, 1973

3rd Reading

THE HON. D. A. BALES
Attorney General

(Reprinted as amended by the
Committee of the Whole House)

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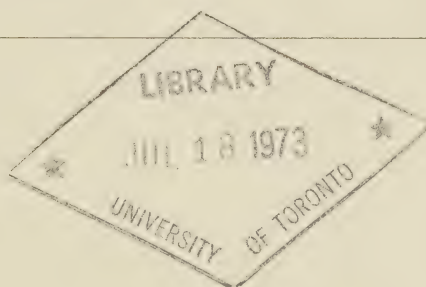
Government
Publications

BILL 105

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Legal Aid Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 105

1973

An Act to amend The Legal Aid Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 5 of *The Legal Aid Act*, ^{s. 5 (1) (a), amended} being chapter 239 of the Revised Statutes of Ontario, 1970, is amended by inserting after "Fund" in the third line "all moneys payable by the Law Foundation of Ontario".
2. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation.
3. This Act may be cited as *The Legal Aid Amendment Act, 1973*. ^{Short title}

An Act to amend
The Legal Aid Act

1st Reading

April 30th, 1973

2nd Reading

June 19th, 1973

3rd Reading

June 22nd, 1973

THE HON. D. A. BALES
Attorney General

CA20N

XB

-B 56

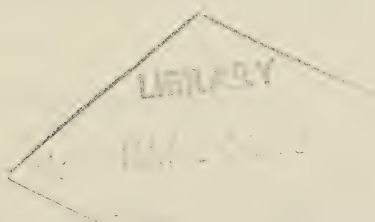
BILL 106

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Ministry of
Community and Social Services Act**

MRS. SCRIVENER



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to promote the strengthening of the family unit in our society.

An Act to amend The Ministry of Community and Social Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Community and Social Services Act*, being ^{s. 6f,} chapter 120 of the Revised Statutes of Ontario, 1970, is ^{enacted} amended by adding thereto the following section:

6f. The Minister shall,

Duties of
Minister

- (a) institute inquiries into and collect information and statistics relating to or affecting any matter for the provision or promotion of the family in Ontario including studies respecting,
 - (i) day care,
 - (ii) the role of the family in child development,
 - (iii) multiple family units in public housing,
 - (iv) birth control,
 - (v) the problems of the single parent,
 - (vi) mothers' allowances, and
 - (vii) the role of women in society as related to the development of the child in the family;
- (b) disseminate from time to time information, in such manner and form as he considers suitable, for the promotion of the family in Ontario; and
- (c) direct any officer of the Ministry or any other person to investigate and inquire into and report to him

upon any activity, matter, agency, organization, association or institution having for any of its objects or relating to or affecting the promotion of the family in Ontario and that is not under the jurisdiction of any other ministry of the public service of Ontario.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1973*.

An Act to amend
The Ministry of Community
and Social Services Act

1st Reading

May 1st, 1973

2nd Reading

3rd Reading

MRS. SCRIVENER

(Private Member's Bill)

A20N
B
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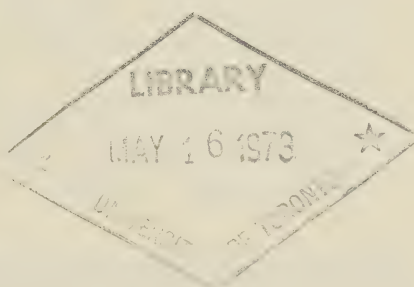
BILL 107

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Assessment Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill will provide a complete exemption for lands held in trust for a band or body of Indians even where such lands are occupied by those who are not members of a band or body of Indians.

Amendments are also proposed that will restore an exemption for the plant and machinery of telephone and telegraph companies which are now taxed under *The Municipal Act* on their gross profits.

Certain minor changes are proposed to the census procedure under the Act, and to the provisions for assessing and taxing the profits of mining operations.

SECTION 1.—Subsection 1. The amendment removes the words that restrict the exemption of lands held for a band or body of Indians. The exemption will now apply to all Indian lands regardless of who occupies them.

Subsection 2. The amendment restores to *The Assessment Act* the substance of the exemption from property tax for the plant and machinery of telegraph and telephone companies, who are now taxed on their gross profits under *The Municipal Act*. This exemption was formerly given by subsection 13 of section 8 of *The Assessment Act*, which was repealed when the provisions respecting the taxation of telephone and telegraph companies were transferred to *The Municipal Act* in 1972. This provision will be made effective from January 1, 1973.

SECTION 2. The census period is shortened by requiring the census to be performed by September 30th rather than by the second Tuesday in October. This provision will not be brought into force until corresponding amendments to *The Municipal Elections Act, 1972* are made.

SECTION 3. The amendment provides that the Lieutenant Governor by regulation may change the period during which the census required by the Act is taken.

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 2 of section 3 of *The Assessment Act*, being ^{s. 3,} chapter 32 of the Revised Statutes of Ontario, 1970, is ^{par. 2,} amended by striking out “but not if occupied by a person who is not a member of a band or body of Indians” in the first, second and third lines.
- (2) The said section 3, as amended by the Statutes of Ontario, ^{s. 3,} 1971, chapter 79, section 2, is further amended by adding thereto the following paragraph:
 20. All the machinery, plant and appliances, wherever situate, and all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water so long as such machinery, plant, appliances or structures are used by any telephone or telegraph company in connection with and as part of the operations of its telephone or telegraph business, and in this paragraph “telegraph company” includes a person or association of persons owning, controlling or operating a telegraph system or line, but does not include a municipal corporation owning, controlling or operating a telegraph system or line. ^{Certain property of telephone and telegraph companies}
2. Section 23 of the said Act, as re-enacted by the Statutes of ^{s. 23,} Ontario, 1972, chapter 125, section 6, is amended by striking out “second Tuesday of October” in the third and fourth lines and inserting in lieu thereof “30th day of September”.
3. The said Act is amended by adding thereto the following section: ^{s. 23a,}
 - 23a. The Lieutenant Governor in Council may by regulation require that, in any part of Ontario where a census under ^{Alternative period for taking of census} section 23 is to be taken, the census, instead of being taken

during the period provided for in section 23, shall be taken during such other period in the year as is specified in the regulation.

s. 26 (2),
repealed

4.—(1) Subsection 2 of section 26 of the said Act is repealed.

s. 26 (3),
amended

(2) Subsection 3 of the said section 26 is amended by striking out “or 2” in the second line and by striking out “and the band or body of Indians for which it is held in trust or any member thereof” in the fourth and fifth lines.

s. 27 (5),
amended

5. Subsection 5 of section 27 of the said Act is amended by adding at the end thereof “but this subsection does not apply to prevent a different assessment of any farm lands in any year in which a different assessment generally is made of lands in the municipality in which the farm lands are situated”.

s. 28
(1, 4-6, 8-11),
repealed

6. Subsection 1, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 4, and subsections 4, 5, 6, 8, 9, 10 and 11 of section 28 of the said Act are repealed.

s. 33 (10),
amended

7. Subsection 10 of section 33 of the said Act is amended by inserting after “lands” in the second line “other than lands held in trust for a band or body of Indians”.

s. 55 (6),
amended

8. Subsection 6 of section 55 of the said Act is amended by striking out “in the book referred to in section 50” in the second line.

Commence-
ment

9.—(1) This Act, except sections 1, 2, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 5, 6 and 7 shall be deemed to have come into force on the 1st day of January, 1973.

Idem

(3) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Assessment Amendment Act, 1973*.

SECTION 4. The amendments repeal provisions taxing the occupation of Indian lands by those who are not members of a band or body of Indians, and are consequential on the amendment made by section 1 (1) of the Bill.

SECTION 5. At present, where a farm assessment was appealed it must remain fixed for two years after the assessment year appealed. Notwithstanding this restriction, the amendment will allow the new assessment of farm lands in a municipality where new market value assessments are being returned generally.

SECTION 6 repeals provisions dealing with the taxing of mining profits by municipalities, and the making of grants to mining municipalities.

SECTION 7. The amendment excepts lands held in trust for a band or body of Indians from the provisions that deal with the liability to taxation of pipelines on property exempt from taxation. This amendment is consequential on the amendment in section 1 (1) of the Bill.

SECTION 8. This amendment removes a reference that is now unnecessary because of the repeal of section 50 of *The Assessment Act* by *The Assessment Review Court Act, 1972*.

An Act to amend
The Assessment Act

1st Reading

May 3rd, 1973

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

CA20N

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BILL 107

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Assessment Act

THE HON. A. GROSSMAN
Minister of Revenue

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The Bill will provide a complete exemption for lands held in trust for a band or body of Indians even where such lands are occupied by those who are not members of a band or body of Indians.

Amendments are also proposed that will restore an exemption for the plant and machinery of telephone and telegraph companies which are now taxed under *The Municipal Act* on their gross profits.

Certain minor changes are proposed to the census procedure under the Act, and to the provisions for assessing and taxing the profits of mining operations.

SECTION 1.—Subsection 1. The amendment removes the words that restrict the exemption of lands held for a band or body of Indians. The exemption will now apply to all Indian lands regardless of who occupies them.

Subsection 2. The amendment restores to *The Assessment Act* the substance of the exemption from property tax for the plant and machinery of telegraph and telephone companies, who are now taxed on their gross profits under *The Municipal Act*. This exemption was formerly given by subsection 13 of section 8 of *The Assessment Act*, which was repealed when the provisions respecting the taxation of telephone and telegraph companies were transferred to *The Municipal Act* in 1972. This provision will be made effective from January 1, 1973.

SECTION 2. The census period is shortened by requiring the census to be performed by September 30th rather than by the second Tuesday in October. This provision will not be brought into force until corresponding amendments to *The Municipal Elections Act, 1972* are made.

SECTION 3. The amendment provides that the Lieutenant Governor by regulation may change the period during which the census required by the Act is taken.

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 2 of section 3 of *The Assessment Act*, being ^{s. 3, par. 2, amended} chapter 32 of the Revised Statutes of Ontario, 1970, is amended by striking out “but not if occupied by a person who is not a member of a band or body of Indians” in the first, second and third lines.

(2) The said section 3, as amended by the Statutes of Ontario, ^{s. 3, amended} 1971, chapter 79, section 2, is further amended by adding thereto the following paragraph:

20. All the machinery, plant and appliances, wherever situate, and all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water so long as such machinery, plant, appliances or structures are used by any telephone or telegraph company in connection with and as part of the operations of its telephone or telegraph business, and in this paragraph “telegraph company” includes a person or association of persons owning, controlling or operating a telegraph system or line, but does not include a municipal corporation owning, controlling or operating a telegraph system or line. ^{Certain property of telephone and telegraph companies}

2. Section 23 of the said Act, as re-enacted by the Statutes of ^{s. 23, amended} Ontario, 1972, chapter 125, section 6, is amended by striking out “second Tuesday of October” in the third and fourth lines and inserting in lieu thereof “30th day of September”.

3. The said Act is amended by adding thereto the following section: ^{s. 23a, enacted}

23a. The Lieutenant Governor in Council may by regulation require that, in any part of Ontario where a census under section 23 is to be taken, the census, instead of being taken ^{Alternative period for taking of census}

during the period provided for in section 23, shall be taken during such other period in the year as is specified in the regulation.

s. 26 (2),
repealed

4.—(1) Subsection 2 of section 26 of the said Act is repealed.

s. 26 (3),
amended

(2) Subsection 3 of the said section 26 is amended by striking out “or 2” in the second line and by striking out “and the band or body of Indians for which it is held in trust or any member thereof” in the fourth and fifth lines.

s. 27 (5),
amended

5. Subsection 5 of section 27 of the said Act is amended by adding at the end thereof “but this subsection does not apply to prevent a different assessment of any farm lands in any year in which a different assessment generally is made of lands in the municipality in which the farm lands are situated”.

s. 28
(1, 4-6, 8-11),
repealed

6. Subsection 1, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 4, and subsections 4, 5, 6, 8, 9, 10 and 11 of section 28 of the said Act are repealed.

s. 33 (10),
amended

7. Subsection 10 of section 33 of the said Act is amended by inserting after “lands” in the second line “other than lands held in trust for a band or body of Indians”.

s. 55 (6),
amended

8. Subsection 6 of section 55 of the said Act is amended by striking out “in the book referred to in section 50” in the second line.



Commence-
ment

9.—(1) This Act, except sections 1, 2, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 5 and 7 shall be deemed to have come into force on the 1st day of January, 1973.

Idem

 (3) Section 6 shall be deemed to have come into force on the 1st day of May, 1973. 

Idem

(4) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Assessment Amendment Act, 1973*.

SECTION 4. The amendments repeal provisions taxing the occupation of Indian lands by those who are not members of a band or body of Indians, and are consequential on the amendment made by section 1 (1) of the Bill.

SECTION 5. At present, where a farm assessment was appealed it must remain fixed for two years after the assessment year appealed. Notwithstanding this restriction, the amendment will allow the new assessment of farm lands in a municipality where new market value assessments are being returned generally.

SECTION 6 repeals provisions dealing with the taxing of mining profits by municipalities, and the making of grants to mining municipalities.

SECTION 7. The amendment excepts lands held in trust for a band or body of Indians from the provisions that deal with the liability to taxation of pipelines on property exempt from taxation. This amendment is consequential on the amendment in section 1 (1) of the Bill.

SECTION 8. This amendment removes a reference that is now unnecessary because of the repeal of section 50 of *The Assessment Act* by *The Assessment Review Court Act, 1972*.

An Act to amend
The Assessment Act

1st Reading

May 3rd, 1973

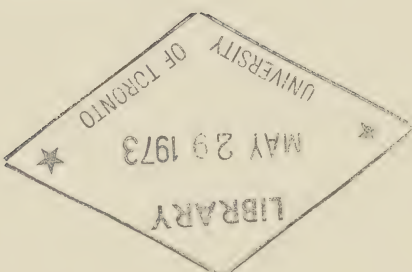
2nd Reading

May 15th, 1973

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

*(Reprinted as amended by the
Committee of the Whole House)*



3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Assessment Act

THE HON. A. GROSSMAN
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 2 of section 3 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is amended by striking out “but not if occupied by a person who is not a member of a band or body of Indians” in the first, second and third lines. s. 3,
par. 2,
amended

- (2) The said section 3, as amended by the Statutes of Ontario, 1971, chapter 79, section 2, is further amended by adding thereto the following paragraph: s. 3,
amended

20. All the machinery, plant and appliances, wherever situate, and all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water so long as such machinery, plant, appliances or structures are used by any telephone or telegraph company in connection with and as part of the operations of its telephone or telegraph business, and in this paragraph “telegraph company” includes a person or association of persons owning, controlling or operating a telegraph system or line, but does not include a municipal corporation owning, controlling or operating a telegraph system or line. Certain
property of
telephone and
telegraph
companies

2. Section 23 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 6, is amended by striking out “second Tuesday of October” in the third and fourth lines and inserting in lieu thereof “30th day of September”. s. 23,
amended

3. The said Act is amended by adding thereto the following section: s. 23a,
enacted

23a. The Lieutenant Governor in Council may by regulation require that, in any part of Ontario where a census under section 23 is to be taken, the census, instead of being taken Alternative
period for
taking of
census

during the period provided for in section 23, shall be taken during such other period in the year as is specified in the regulation.

s. 26 (2),
repealed

4.—(1) Subsection 2 of section 26 of the said Act is repealed.

s. 26 (3),
amended

(2) Subsection 3 of the said section 26 is amended by striking out “or 2” in the second line and by striking out “and the band or body of Indians for which it is held in trust or any member thereof” in the fourth and fifth lines.

s. 27 (5),
amended

5. Subsection 5 of section 27 of the said Act is amended by adding at the end thereof “but this subsection does not apply to prevent a different assessment of any farm lands in any year in which a different assessment generally is made of lands in the municipality in which the farm lands are situated”.

s. 28
(1, 4-6, 8-11),
repealed

6. Subsection 1, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 4, and subsections 4, 5, 6, 8, 9, 10 and 11 of section 28 of the said Act are repealed.

s. 33 (10),
amended

7. Subsection 10 of section 33 of the said Act is amended by inserting after “lands” in the second line “other than lands held in trust for a band or body of Indians”.

s. 55 (6),
amended

8. Subsection 6 of section 55 of the said Act is amended by striking out “in the book referred to in section 50” in the second line.

Commence-
ment

9.—(1) This Act, except sections 1, 2, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 5 and 7 shall be deemed to have come into force on the 1st day of January, 1973.

Idem

(3) Section 6 shall be deemed to have come into force on the 1st day of May, 1973.

Idem

(4) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Assessment Amendment Act, 1973*.

An Act to amend
The Assessment Act

1st Reading

May 3rd, 1973

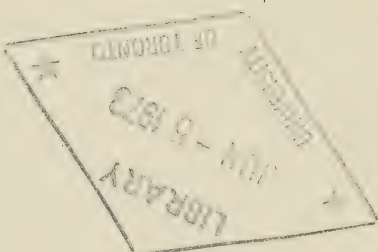
2nd Reading

May 15th, 1973

3rd Reading

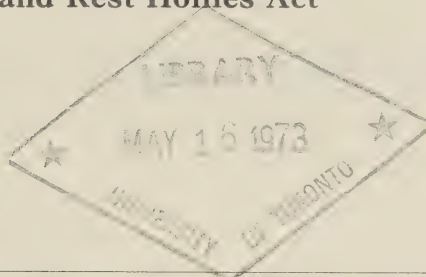
May 15th, 1973

THE HON. A. GROSSMAN
Minister of Revenue



3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Homes for the Aged
and Rest Homes Act**



THE HON. R. BRUNELLE
Minister of Community and Social Services

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition of “Director” is amended so that more than one Director can administer programs under the Act.

Subsection 2. This change is consistent with a recent amendment to *The Ministry of Community and Social Services Act*.

Subsection 3. The definition of “private-home care” is repealed and is replaced in section 6 of the Bill by the concept of providing residential services.

Subsection 4. The amendment updates the definition of “provincial supervisor”.

SECTION 2.—Subsection 1. The amendment makes the appointment of a committee of management compulsory.

Subsection 2. The amendment fixes the number of members on a committee of management and their qualifications by regulation rather than by statute.

An Act to amend The Homes for the Aged and Rest Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (b),
re-enacted

(b) “Director” means a Director appointed as such for the purposes of this Act.

- (2) Clause *c* of section 1 of the said Act is amended by striking out “and” in the first line and inserting in lieu thereof “or”. s. 1 (c),
amended

- (3) Clause *h* of the said section 1 is repealed. s. 1 (h),
repealed

- (4) Clause *i* of the said section 1 is repealed and the following substituted therefor: s. 1 (i),
re-enacted

(i) “provincial supervisor” means a regional welfare administrator, a homes for the aged branch consultant or supervisor, a field worker or any other employee of the Ministry of Community and Social Services who is designated as such for the purposes of this Act.

- 2.—(1) Subsection 1 of section 8 of the said Act is amended by striking out “may” in the third line and inserting in lieu thereof “shall”. s. 8 (1),
amended

- (2) Subsection 2 of the said section 8 is repealed and the following substituted therefor: s. 8 (2),
re-enacted

(2) The composition of a committee of management and the qualifications and term of office of the members thereof shall be as prescribed by the regulations. composition

s. 9 (1),
re-enacted

- 3.**—(1) Subsection 1 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 62, section 1, is repealed and the following substituted therefor:

Board of
management
established

(1) A board of management shall be established which shall be a corporation for any home established and maintained by a band under section 5 or in a territorial district under section 6.

s. 9 (2),
re-enacted

- (2) Subsection 2 of the said section 9 is repealed and the following substituted therefor:

composition

(2) The composition of each board of management and the qualifications and term of office of the members shall be as prescribed by the regulations.

s. 9 (3),
repealed

- (3) Subsection 3 of the said section 9 is repealed.

s. 10,
amended

- 4.** Section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 148, section 4, is further amended by inserting after "agreement" in the fourth line "approved by the Director".

s. 11a,
amended

- 5.** Section 11a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 99, section 1, is amended by striking out "or" in the fourth line and by inserting after "home" in the fourth line "or the board of management of a home, as the case may be".

s. 19 (1),
re-enacted

- 6.**—(1) Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Residential
services
provided

(1) A municipality maintaining a home, the municipalities maintaining a joint home, or the board of management of a home, as the case may be, may, upon recommendation of the administrator of the home, provide residential services approved by the Director in other than a home or joint home for any person admissible to the home or joint home.

s. 19 (2),
re-enacted

- (2) Subsection 2 of the said section 19, as amended by the Statutes of Ontario, 1972, chapter 62, section 6, is repealed and the following substituted therefor:

Province
to share
cost

(2) There shall be paid monthly to the municipality, municipalities or the board of management, as the case may be, providing residential services under subsection 1, out of moneys appropriated therefor by the Legislature, an amount computed in the manner prescribed by the regulations towards the cost of providing the services.

SECTION 3.—Subsections 1 and 2. The size, composition and method of appointing boards of management for district homes is to be provided by the regulations and permits appointments to such boards to be made directly by municipalities.

Subsection 3. This amendment is consistent with the change in section 5 of the Bill.

SECTION 4. Self-explanatory.

SECTION 5. The amendment clarifies the fact that site selection by a board of management is governed by section 11*a* of the Act.

SECTION 6.—Subsections 1 and 2. The amendment allows an authority operating a home to provide residential services outside the home, which services would be subject to the approval of the Director and subject to the conditions set out in the regulations.

Subsections 3 and 4. The amendments are consistent with the changes proposed in subsections 1 and 2 of section 6 of the Bill.

SECTION 7. The amendment provides for inspection of premises other than homes where residential services are provided under section 19 of the Act.

SECTION 8. Self-explanatory.

SECTION 9. This amendment is consistent with the change in section 5 of the Bill.

SECTION 10.—Subsection 1. The amendment enables different classes of capital grants to be prescribed by regulation.

Subsection 2. The amendments are consistent with the changes made to sections 8, 9, 19 and 20 of the Act.

(3) Subsection 3 of the said section 19 is amended by striking ^{s. 19 (3),} out "placed in private-home care" in the first line and ^{amended} inserting in lieu thereof "receiving residential services in other than a home or joint home under subsection 1".

(4) Subsection 4 of the said section 19 is repealed and the ^{s. 19 (4),} following substituted therefor: ^{re-enacted}

(4) A person receiving residential services in other than a ^{Person} home or joint home under subsection 1 shall be deemed a ^{considered} resident of the home or joint home, and section 16 applies ^{a resident} *mutatis mutandis* in determining his eligibility for the ^{of the home} residential services.

7. Section 20 of the said Act, as amended by the Statutes of ^{s. 20,} Ontario, 1972, chapter 62, section 7, is further amended by ^{amended} adding thereto the following subsection:

(2) Every premises that is not a home or joint home where ^{Inspection} residential services are provided or where residential services ^{of premises} are to be provided in accordance with section 19 shall be open at all reasonable times for inspection by the Director, a provincial supervisor or by a person appointed by the council of the municipality or board of management providing the services.

8. Section 21 of the said Act is amended by striking out "Depart- ^{s. 21,} ment of Social and Family Services" in the fifth and sixth lines ^{amended} and in the sixth and seventh lines and inserting in lieu thereof in each instance "Ministry of Community and Social Services".

9. Subsection 4 of section 27 of the said Act, as amended by the ^{s. 27 (4),} Statutes of Ontario, 1972, chapter 62, section 11, is further ^{amended} amended by striking out "but the cost of any land in excess of eight acres and the cost of any barns or other similar out-buildings shall not be included" in the fourth, fifth and sixth lines.

10.—(1) Clause *l* of subsection 1 of section 30 of the said Act is ^{s. 30 (1) (l),} amended by inserting after "27" in the third line "and ^{amended} prescribing classes of payments".

(2) Clauses *n*, *o*, *p*, *q*, and clause *r* as amended by the Statutes ^{s. 30 (1) (n-r),} of Ontario, 1972, chapter 148, section 8, of subsection 1 of ^{re-enacted} the said section 30 are repealed and the following substituted therefor:

(*n*) prescribing the terms and conditions upon which the Director may approve the provision of residential services in other than a home or joint home, the

classes or levels of such services, the services, items and amenities to be provided in connection therewith and the maximum amounts that may be charged to persons in receipt thereof for the purposes of section 19;

- (o) prescribing the frequency and manner of inspection of premises other than a home or joint home by a representative of a municipality or board of management for the purposes of section 20;
- (p) prescribing the manner of computing the amount to be paid by Ontario towards the cost of residential services provided in other than a home or joint home for any person, the method, time and manner of payment and classes of payments, for the purposes of section 19;
- (q) prescribing the composition of a committee of management, the qualifications and terms of office of the members thereof for the purposes of section 8;
- (r) providing for the division of each district into areas, the appointment of members of boards of management under section 9, representing the areas to each board having regard to the proportionate distribution amongst the areas of population and equalized assessment and providing for the further appointment by the Lieutenant Governor in Council of members at large to the boards of management, prescribing the qualifications for appointment, fixing the number of members for each board and the terms of office of such members and requiring the chairmanship of boards of management to change hands at prescribed intervals.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1973*.

An Act to amend
The Homes for the Aged
and Rest Homes Act

1st Reading

May 3rd, 1973

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Government Bill)

CA20N

XB

-B56

BILL 108

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Homes for the Aged
and Rest Homes Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition of “Director” is amended so that more than one Director can administer programs under the Act.

Subsection 2. This change is consistent with a recent amendment to *The Ministry of Community and Social Services Act*.

Subsection 3. The definition of “private-home care” is repealed and is replaced in section 6 of the Bill by the concept of providing residential services.

Subsection 4. The amendment updates the definition of “provincial supervisor”.

SECTION 2.—Subsection 1. The amendment makes the appointment of a committee of management compulsory.

Subsection 2. The amendment fixes the number of members on a committee of management and their qualifications by regulation rather than by statute.

An Act to amend The Homes for the Aged and Rest Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (b),
re-enacted

(b) "Director" means a Director appointed as such for the purposes of this Act.

- (2) Clause *c* of section 1 of the said Act is amended by striking out "and" in the first line and inserting in lieu thereof "or". s. 1 (c),
amended

- (3) Clause *h* of the said section 1 is repealed. s. 1 (h),
repealed

- (4) Clause *i* of the said section 1 is repealed and the following substituted therefor: s. 1 (i),
re-enacted

(i) "provincial supervisor" means a regional welfare administrator, a homes for the aged branch consultant or supervisor, a field worker or any other employee of the Ministry of Community and Social Services who is designated as such for the purposes of this Act.

- 2.—(1) Subsection 1 of section 8 of the said Act is amended by striking out "may" in the third line and inserting in lieu thereof "shall". s. 8 (1),
amended

- (2) Subsection 2 of the said section 8 is repealed and the following substituted therefor: s. 8 (2),
re-enacted

(2) The composition of a committee of management and the qualifications and term of office of the members thereof shall be as prescribed by the regulations. composition

s. 9 (1),
re-enacted

- 3.—**(1) Subsection 1 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 62, section 1, is repealed and the following substituted therefor:

Board of
management
established

(1) A board of management shall be established which shall be a corporation for any home established and maintained by a band under section 5 or in a territorial district under section 6.

s. 9 (2),
re-enacted

- (2) Subsection 2 of the said section 9 is repealed and the following substituted therefor:

composition

(2) The composition of each board of management and the qualifications and term of office of the members, including appointments to those boards by councils of municipalities, shall be as prescribed by the regulations.

s. 9 (3),
repealed

- (3) Subsection 3 of the said section 9 is repealed.

s. 10,
amended

- 4.** Section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 148, section 4, is further amended by inserting after "agreement" in the fourth line "approved by the Director".

s. 11a,
amended

- 5.** Section 11a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 99, section 1, is amended by striking out "or" in the fourth line and by inserting after "home" in the fourth line "or the board of management of a home, as the case may be".

s. 19 (1),
re-enacted

- 6.—**(1) Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Residential
services
provided

(1) A municipality maintaining a home, the municipalities maintaining a joint home, or the board of management of a home, as the case may be, may, upon recommendation of the administrator of the home, provide residential services approved by the Director in other than a home or joint home for any person admissible to the home or joint home.

s. 19 (2),
re-enacted

- (2) Subsection 2 of the said section 19, as amended by the Statutes of Ontario, 1972, chapter 62, section 6, is repealed and the following substituted therefor:

Province
to share
cost

(2) There shall be paid monthly to the municipality, municipalities or the board of management, as the case may be, providing residential services under subsection 1, out of moneys appropriated therefor by the Legislature, an amount computed in the manner prescribed by the regulations towards the cost of providing the services.

SECTION 3.—Subsections 1 and 2. The size, composition and method of appointing boards of management for district homes is to be provided by the regulations and permits appointments to such boards to be made directly by municipalities.

Subsection 3. This amendment is consistent with the change in section 5 of the Bill.

SECTION 4. Self-explanatory.

SECTION 5. The amendment clarifies the fact that site selection by a board of management is governed by section 11a of the Act.

SECTION 6.—Subsections 1 and 2. The amendment allows an authority operating a home to provide residential services outside the home, which services would be subject to the approval of the Director and subject to the conditions set out in the regulations.

Subsections 3 and 4. The amendments are consistent with the changes proposed in subsections 1 and 2 of section 6 of the Bill.

SECTION 7. The amendment provides for inspection of premises other than homes where residential services are provided under section 19 of the Act.

SECTION 8. Self-explanatory.

SECTION 9. This amendment is consistent with the change in section 5 of the Bill.

SECTION 10.—Subsection 1. The amendment enables different classes of capital grants to be prescribed by regulation.

Subsection 2. The amendments are consistent with the changes made to sections 8, 9, 19 and 20 of the Act.

(3) Subsection 3 of the said section 19 is amended by striking out "placed in private-home care" in the first line and inserting in lieu thereof "receiving residential services in other than a home or joint home under subsection 1". s. 19 (3),
amended

(4) Subsection 4 of the said section 19 is repealed and the following substituted therefor: s. 19 (4),
re-enacted

(4) A person receiving residential services in other than a home or joint home under subsection 1 shall be deemed a Person
considered
a resident
of the home resident of the home or joint home, and section 16 applies *mutatis mutandis* in determining his eligibility for the residential services.

7. Section 20 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 7, is further amended by adding thereto the following subsection: s. 20,
amended

(2) Every premises that is not a home or joint home where residential services are provided or where residential services are to be provided in accordance with section 19 shall be open at all reasonable times for inspection by the Director, a provincial supervisor or by a person appointed by the council of the municipality or board of management providing the services. Inspection
of premises

8. Section 21 of the said Act is amended by striking out "Department of Social and Family Services" in the fifth and sixth lines and in the sixth and seventh lines and inserting in lieu thereof in each instance "Ministry of Community and Social Services". s. 21,
amended

9. Subsection 4 of section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 11, is further amended by striking out "but the cost of any land in excess of eight acres and the cost of any barns or other similar out-buildings shall not be included" in the fourth, fifth and sixth lines. s. 27 (4),
amended

10.—(1) Clause *l* of subsection 1 of section 30 of the said Act is amended by inserting after "27" in the third line "and prescribing classes of payments". s. 30 (1) (l),
amended

(2) Clauses *n*, *o*, *p*, *q*, and clause *r* as amended by the Statutes of Ontario, 1972, chapter 148, section 8, of subsection 1 of the said section 30 are repealed and the following substituted therefor: s. 30 (1) (n-r),
re-enacted

(*n*) prescribing the terms and conditions upon which the Director may approve the provision of residential services in other than a home or joint home, the

classes or levels of such services, the services, items and amenities to be provided in connection therewith and the maximum amounts that may be charged to persons in receipt thereof for the purposes of section 19;

- (o) prescribing the frequency and manner of inspection of premises other than a home or joint home by a representative of a municipality or board of management for the purposes of section 20;
- (p) prescribing the manner of computing the amount to be paid by Ontario towards the cost of residential services provided in other than a home or joint home for any person, the method, time and manner of payment and classes of payments, for the purposes of section 19;
- (q) prescribing the composition of a committee of management, the qualifications and terms of office of the members thereof for the purposes of section 8;
- (r) providing for the division of each district into areas, the appointment of members of boards of management under section 9, representing the areas to each board having regard to the proportionate distribution amongst the areas of population and equalized assessment and providing for the further appointment by the Lieutenant Governor in Council of members at large to the boards of management, prescribing the qualifications for appointment, fixing the number of members for each board and the terms of office of such members and requiring the chairmanship of boards of management to change hands at prescribed intervals.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1973*.

An Act to amend
The Homes for the Aged
and Rest Homes Act

1st Reading

May 3rd, 1973

2nd Reading

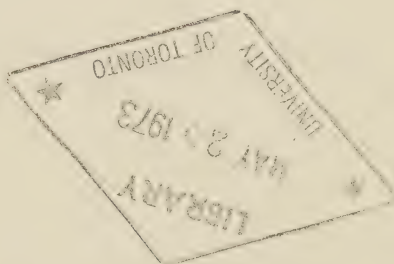
May 15th, 1973

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Reprinted as amended by the
Committee of the Whole House)

Government
Publications



CA20N

XB

-B 56

BILL 108

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Homes for the Aged
and Rest Homes Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Homes for the Aged and Rest Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) "Director" means a Director appointed as such for the purposes of this Act.

- (2) Clause *c* of section 1 of the said Act is amended by striking out "and" in the first line and inserting in lieu thereof "or".

- (3) Clause *h* of the said section 1 is repealed.

- (4) Clause *i* of the said section 1 is repealed and the following substituted therefor:

(i) "provincial supervisor" means a regional welfare administrator, a homes for the aged branch consultant or supervisor, a field worker or any other employee of the Ministry of Community and Social Services who is designated as such for the purposes of this Act.

- 2.—(1) Subsection 1 of section 8 of the said Act is amended by striking out "may" in the third line and inserting in lieu thereof "shall".

- (2) Subsection 2 of the said section 8 is repealed and the following substituted therefor:

(2) The composition of a committee of management and the qualifications and term of office of the members thereof shall be as prescribed by the regulations.

- s. 9 (1),
re-enacted **3.—**(1) Subsection 1 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 62, section 1, is repealed and the following substituted therefor:
- Board of
management
established (1) A board of management shall be established which shall be a corporation for any home established and maintained by a band under section 5 or in a territorial district under section 6.
- s. 9 (2),
re-enacted (2) Subsection 2 of the said section 9 is repealed and the following substituted therefor:
- composition (2) The composition of each board of management and the qualifications and term of office of the members, including appointments to those boards by councils of municipalities, shall be as prescribed by the regulations.
- s. 9 (3),
repealed (3) Subsection 3 of the said section 9 is repealed.
- s. 10,
amended **4.** Section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 148, section 4, is further amended by inserting after "agreement" in the fourth line "approved by the Director".
- s. 11a,
amended **5.** Section 11a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 99, section 1, is amended by striking out "or" in the fourth line and by inserting after "home" in the fourth line "or the board of management of a home, as the case may be".
- s. 19 (1),
re-enacted **6.—**(1) Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:
- Residential
services
provided (1) A municipality maintaining a home, the municipalities maintaining a joint home, or the board of management of a home, as the case may be, may, upon recommendation of the administrator of the home, provide residential services approved by the Director in other than a home or joint home for any person admissible to the home or joint home.
- s. 19 (2),
re-enacted (2) Subsection 2 of the said section 19, as amended by the Statutes of Ontario, 1972, chapter 62, section 6, is repealed and the following substituted therefor:
- Province
to share
cost (2) There shall be paid monthly to the municipality, municipalities or the board of management, as the case may be, providing residential services under subsection 1, out of moneys appropriated therefor by the Legislature, an amount computed in the manner prescribed by the regulations towards the cost of providing the services.

(3) Subsection 3 of the said section 19 is amended by striking out "placed in private-home care" in the first line and inserting in lieu thereof "receiving residential services in other than a home or joint home under subsection 1". ^{s. 19 (3), amended}

(4) Subsection 4 of the said section 19 is repealed and the following substituted therefor: ^{s. 19 (4), re-enacted}

(4) A person receiving residential services in other than a home or joint home under subsection 1 shall be deemed a resident of the home or joint home, and section 16 applies *mutatis mutandis* in determining his eligibility for the residential services. ^{Person considered a resident of the home}

7. Section 20 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 7, is further amended by adding thereto the following subsection: ^{s. 20, amended}

(2) Every premises that is not a home or joint home where residential services are provided or where residential services are to be provided in accordance with section 19 shall be open at all reasonable times for inspection by the Director, a provincial supervisor or by a person appointed by the council of the municipality or board of management providing the services. ^{Inspection of premises}

8. Section 21 of the said Act is amended by striking out "Department of Social and Family Services" in the fifth and sixth lines and in the sixth and seventh lines and inserting in lieu thereof in each instance "Ministry of Community and Social Services". ^{s. 21, amended}

9. Subsection 4 of section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 11, is further amended by striking out "but the cost of any land in excess of eight acres and the cost of any barns or other similar out-buildings shall not be included" in the fourth, fifth and sixth lines. ^{s. 27 (4), amended}

10.—(1) Clause *l* of subsection 1 of section 30 of the said Act is amended by inserting after "27" in the third line "and prescribing classes of payments". ^{s. 30 (1) (l), amended}

(2) Clauses *n*, *o*, *p*, *q*, and clause *r* as amended by the Statutes of Ontario, 1972, chapter 148, section 8, of subsection 1 of the said section 30 are repealed and the following substituted therefor: ^{s. 30 (1) (n-r), re-enacted}

(*n*) prescribing the terms and conditions upon which the Director may approve the provision of residential services in other than a home or joint home, the

classes or levels of such services, the services, items and amenities to be provided in connection therewith and the maximum amounts that may be charged to persons in receipt thereof for the purposes of section 19;

- (o) prescribing the frequency and manner of inspection of premises other than a home or joint home by a representative of a municipality or board of management for the purposes of section 20;
- (p) prescribing the manner of computing the amount to be paid by Ontario towards the cost of residential services provided in other than a home or joint home for any person, the method, time and manner of payment and classes of payments, for the purposes of section 19;
- (q) prescribing the composition of a committee of management, the qualifications and terms of office of the members thereof for the purposes of section 8;
- (r) providing for the division of each district into areas, the appointment of members of boards of management under section 9, representing the areas to each board having regard to the proportionate distribution amongst the areas of population and equalized assessment and providing for the further appointment by the Lieutenant Governor in Council of members at large to the boards of management, prescribing the qualifications for appointment, fixing the number of members for each board and the terms of office of such members and requiring the chairmanship of boards of management to change hands at prescribed intervals.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1973*.

An Act to amend
The Homes for the Aged
and Rest Homes Act

1st Reading

May 3rd, 1973

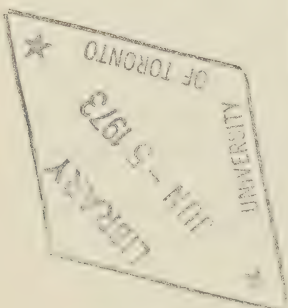
2nd Reading

May 15th, 1973

3rd Reading

May 15th, 1973

THE HON. R. BRUNELLE
Minister of Community and
Social Services



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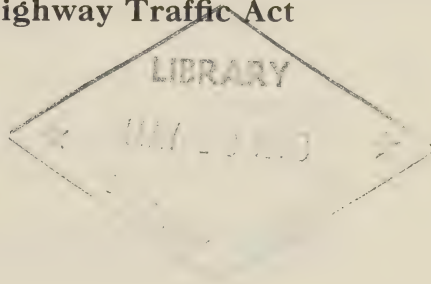
B 56

BILL 109

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act



MR. RIDDELL

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Section 5*a* outlines the necessary qualifications for a school bus operator.

Section 5*b* provides for the retesting of school bus operators when their chauffeur's licence is due for renewal.

Section 5*c* requires operators of school buses to report to the Ministry where they have refused to operate a school bus because they consider the vehicle to be unsafe, mechanically unfit or overloaded.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 5a-5c, enacted

5a. No person shall operate and no person shall employ a person to operate a motor vehicle when operated by or under contract with a school board or other authority to transport children to or from school unless the operator, Requirements for operators

- (a) is twenty-one years of age or over;
- (b) holds a chauffeur's licence;
- (c) has a driving record clear of any offences committed under this Act or under the *Criminal Code* (Canada); R.S.C. 1970, c. C-34
- (d) proves that he is competent to drive a school bus and passes such tests or courses in,
 - (i) practical child psychology,
 - (ii) defensive driving, and
 - (iii) highway safety,

as are required to be taken for the purpose and the Minister endorses his licence for the operation of a school bus.

5b. Notwithstanding clause *d* and subject to the provisions of section 16, the operator of a motor vehicle used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a Retesting on renewal of licence

school, shall submit to an examination in respect of the operation of a motor vehicle each year he applies for the renewal of his chauffeur's licence.

Refusal
to operate

5c.—(1) The operator of a motor vehicle used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school may refuse to operate the vehicle where he considers the vehicle unsafe, mechanically unfit or overloaded to the extent that there are more passengers than there are seats.

Report to
Ministry

(2) Where an operator refuses to operate a vehicle under subsection 1, he shall report forthwith to the Ministry,

- (a) that he has refused to operate the vehicle; and
- (b) the reasons for his refusing to operate the vehicle.

s. 120 (6),
re-enacted

2. Subsection 6 of section 120 of the said Act is repealed and the following substituted therefor:

Regulations
re school
buses

(6) The Lieutenant Governor in Council may make regulations,

- (a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;
- (b) prescribing the type, design and colour of school buses or any class thereof and the markings to be displayed thereon;
- (c) prescribing the type of padding to be used on the arms and backs of seats of school buses and requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment including minimum heights for the backs of seats;
- (d) requiring the inspection of school buses or any class or type thereof at least four times a year and requiring the reporting of any mechanically unfit school bus to the Ministry and to the school board or other authority in charge of a school which has contracted the use of the school bus;

SECTION 2. The amendment provides for school bus safety standards and a school bus patrol program.

(e) prescribing qualifications in addition to those set out in section 5a of drivers of school buses or any class or type thereof and prohibiting the operation thereof by unqualified persons;

(f) establishing school bus patrol programs in co-operation with the Ministry of Education.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Highway Traffic Amendment Act*, Short title
1973.

An Act to amend
The Highway Traffic Act

1st Reading

May 8th, 1973

2nd Reading

3rd Reading

MR. RIDDELL

(Private Member's Bill)

CA20N

XB

-B 56

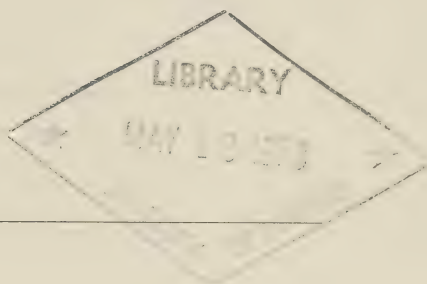
BILL 110

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Public

An Act respecting Provincial Trails



MR. DEACON

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes provincial trails for the public's use, education and enjoyment.

An Act respecting Provincial Trails

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Council" means the Trail Advisory Council;
- (b) "Minister" means the Minister of Natural Resources;
- (c) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;
- (d) "regulations" means the regulations made under this Act.

2. The Minister is responsible for the administration of this Act.

Administra-
tion of Act

3. The provincial trails are hereby dedicated to and declared to be held in trust for the people of the Province of Ontario and others who may use them for their benefit, education and enjoyment and the provincial trails shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations in accordance with this Act and the regulations.

Provincial
trails
dedicated
to public

4.—(1) The Lieutenant Governor in Council may set apart or designate as a provincial trail any public lands in Ontario, may increase or decrease the area of any provincial trail and may delimit any provincial trail.

Provincial
trails
designated

(2) Land may be acquired under *The Public Works Act* for the purposes of this Act.

Acquisition
of land
R.S.O. 1970,
c. 393

(3) The Minister may enter into agreements with persons with respect to the accepting of or granting of easements or other interests in land in connection with the establishment, use or maintenance of a provincial trail.

Minister may
enter into
agreements

- Gifts (4) The Minister may receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal, or any interest therein for the purposes of a provincial trail.
- Classification of provincial trails 5. The Lieutenant Governor in Council may classify any provincial trail or part thereof as a recreation trail, scenic trail, historic trail, primitive trail, river trail or such other class of trail as he may designate.
- Council established 6.—(1) A Council to be known as the "Trail Advisory Council" is hereby established.
- Composition of Council (2) The Council shall be composed of not fewer than seven and not more than nine members appointed by the Lieutenant Governor in Council, which members shall consist of at least,
- (a) one person designated by the Minister;
 - (b) one person who is a district forester or superintendent of a provincial park;
 - (c) one person who is a member of the executive committee of a conservation authority; and
 - (d) one person who is a member of a private organization whose chief object is the use and enjoyment of trails.
- Term of office (3) A member of Council may hold office for a term not exceeding three years, and shall not serve more than two consecutive terms.
- Chairman and vice-chairman (4) The Lieutenant Governor in Council shall designate one of the members to be chairman and another member to be vice-chairman of the Council.
- Quorum (5) Five members of the Council constitute a quorum.
- Vacancies (6) The Lieutenant Governor in Council may fill any vacancy among the members of the Council.
- Objects and powers 7. The objects of the Council are and it has the power,
- (a) to compile and evaluate information on any matter concerning provincial trails;
 - (b) to study and make recommendations concerning the administration of provincial trails.

8. The Council may make such by-laws as are considered ^{By-laws} expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

9. The Council shall make a report annually to the ^{Annual report} Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

10. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) for the care, preservation, improvement, control and management of the provincial trails;
- (b) regulating and controlling prospecting or the staking out of mining claims or the development of mineral interest or the working of mines on provincial trails;
- (c) prohibiting or regulating and controlling the occupation of public lands on provincial trails or designating areas thereon on which land may be leased or occupied and describing such areas by metes and bounds or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands on provincial trails;
- (e) prohibiting the erection of buildings or structures on provincial trails, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures that may be erected thereon;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases and other rights to public lands on provincial trails and prescribing terms and conditions in connection therewith;
- (g) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals on provincial trails;
- (h) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices on provincial trails;

- (i) prohibiting or regulating and controlling the use, setting out and extinguishment of fires on provincial trails;
- (j) for issuing permits to persons to enter and travel on provincial trails;
- (k) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertaking on provincial trails;
- (l) prescribing the fees or rentals payable for any licence, permit, lease or other right issued, made or given in respect of a provincial trail.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Provincial Trails Act, 1973*.

An Act respecting
Provincial Trails

1st Reading

May 8th, 1973

2nd Reading

3rd Reading

MR. DEACON

(Private Member's Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

BILL 111

1973

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$900,000,000. ^{Loans up to \$900,000,000 R.S.O. 1970, c. 166}

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. ^{Idem}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Ontario Loan Act, 1973*. ^{Short title}

An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

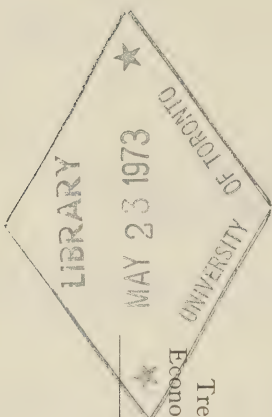
May 14th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

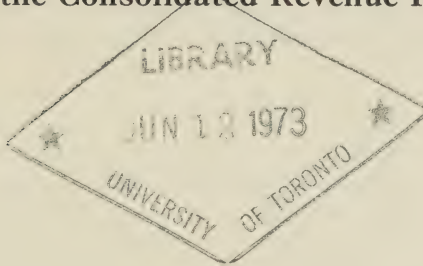
(Government Bill)



BILL 111

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**



THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

BILL 111

1973

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$900,000,000. ^{Loans up to \$900,000,000 R.S.O. 1970, c. 166}

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. ^{Idem}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Ontario Loan Act, 1973*. ^{Short title}

An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

May 14th, 1973

2nd Reading

May 22nd, 1973

3rd Reading

May 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N

XB

-B 56

BILL 112

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Teachers' Superannuation Act

THE HON. T. L. WELLS.
Minister of Education

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The provision is added in order to clarify what always has been and is the intent of the Act. No change in policy is involved.

SECTION 2. The Commission is given greater scope in determining when to hold its meetings.

SECTION 3. This new provision is designed to give teachers in private schools who opted out of the Act opportunity to elect to come under the Act.

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Teachers' Superannuation Act*, being chapter ^{s.1. amended} 455 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 1, and 1972, chapter 1, section 65, is further amended by adding thereto the following subsection:

(2) Every person,

Interpre-
tation of
"qualified
as a teacher"

- (a) to whom the Minister has granted a permanent, temporary, interim or other certificate of qualification;
- (b) to whom the Minister has granted a letter of standing;
or
- (c) in respect of whom the Minister has granted a letter of permission to a board,

shall be deemed to be qualified as a teacher for the purposes of this Act so long as his certificate or letter of standing, or the letter of permission granted in respect of him, remains valid.

2. Subsection 7 of section 2 of the said Act, as amended by the ^{s.2(7), re-enacted} Statutes of Ontario, 1971 (2nd Session), chapter 9, section 2, is repealed and the following substituted therefor:

(7) The Commission shall meet in the offices of the Com-^{meetings} mission at such times as the Commission may determine.

3. Section 17 of the said Act, as amended by the Statutes of ^{s.17. amended} Ontario, 1971 (2nd Session), chapter 9, section 7, is further amended by adding thereto the following subsection:

Second
option

(8) Any person who is excluded from the benefits and obligations of this Act because of having given the notice mentioned in subsection 5 may, by notice in writing given to the governing body of the school and to the Commission on or before the 31st day of August, 1975, revoke the first notice, in which case the revocation becomes effective on the 1st day of September next following the date of receipt of the notice of revocation by the governing body or by the Commission, whichever is the later, and on and after that 1st day of September the person is entitled to the benefits and obligations of this Act as if he had not given the notice mentioned in subsection 5.

s. 24 (2) (b),
amended

4. Clause *b* of subsection 2 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 11, is amended by striking out "his latest birthday preceding, or coincident with" in the third and fourth lines.

s. 32,
amended

5. Section 32 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 18, is amended by adding thereto the following subsection:

Exception
for higher
education

(5) For the purposes of subsection 1, a person who has attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Commission for the purposes of this section as a place of higher education, shall be deemed not to have attained the age of eighteen years.

s. 49 (2),
repealed

6. Subsection 2 of section 49 of the said Act is repealed.

Commence-
ment

- 7.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 4 shall be deemed to have come into force on the 17th day of December, 1971.

Short title

8. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1973*.

SECTION 4. In the present formula for computing a pension under this subsection, the teacher's last birthday is the cut-off date. The amendment substitutes his actual age on the day he retired from teaching. As months, weeks and days since his last birthday can be counted, his entitlement to a pension will be advanced to that extent.

SECTION 5. The purpose of this amendment is to provide a pension for sons and daughters of deceased teachers so long as they continue in school and have not reached twenty-five years of age.

SECTION 6. The repeal of the subsection will permit all refunds of contributions to be made three months after the date upon which the contributor ceased to be employed.

An Act to amend
The Teachers' Superannuation Act

1st Reading

May 14th, 1973

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)



CA20N

XB

-B 56

BILL 112

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Teachers' Superannuation Act

THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Teachers' Superannuation Act*, being chapter ^{s. 1, amended} 455 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 1, and 1972, chapter 1, section 65, is further amended by adding thereto the following subsection:

(2) Every person,

Interpre-
tation of
"qualified
as a teacher"

- (a) to whom the Minister has granted a permanent, temporary, interim or other certificate of qualification;
- (b) to whom the Minister has granted a letter of standing;
or
- (c) in respect of whom the Minister has granted a letter of permission to a board,

shall be deemed to be qualified as a teacher for the purposes of this Act so long as his certificate or letter of standing, or the letter of permission granted in respect of him, remains valid.

2. Subsection 7 of section 2 of the said Act, as amended by the ^{s. 2 (7), re-enacted} Statutes of Ontario, 1971 (2nd Session), chapter 9, section 2, is repealed and the following substituted therefor:

(7) The Commission shall meet in the offices of the Com-^{-meetings} mission at such times as the Commission may determine.

3. Section 17 of the said Act, as amended by the Statutes of ^{s. 17, amended} Ontario, 1971 (2nd Session), chapter 9, section 7, is further amended by adding thereto the following subsection:

Second
option

(8) Any person who is excluded from the benefits and obligations of this Act because of having given the notice mentioned in subsection 5 may, by notice in writing given to the governing body of the school and to the Commission on or before the 31st day of August, 1975, revoke the first notice, in which case the revocation becomes effective on the 1st day of September next following the date of receipt of the notice of revocation by the governing body or by the Commission, whichever is the later, and on and after that 1st day of September the person is entitled to the benefits and obligations of this Act as if he had not given the notice mentioned in subsection 5.

s. 24 (2) (b),
amended

4. Clause *b* of subsection 2 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 11, is amended by striking out "his latest birthday preceding, or coincident with" in the third and fourth lines.

s. 32,
amended

5. Section 32 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 18, is amended by adding thereto the following subsection:

Exception
for higher
education

(5) For the purposes of subsection 1, a person who has attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Commission for the purposes of this section as a place of higher education, shall be deemed not to have attained the age of eighteen years.

s. 49 (2),
repealed

6. Subsection 2 of section 49 of the said Act is repealed.

Commence-
ment

- 7.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 4 shall be deemed to have come into force on the 17th day of December, 1971.

Short title

8. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1973*.

An Act to amend
The Teachers' Superannuation Act

1st Reading

May 14th, 1973

2nd Reading

May 22nd, 1973

3rd Reading

May 22nd, 1973

THE HON. T. L. WELLS
Minister of Education



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-B56

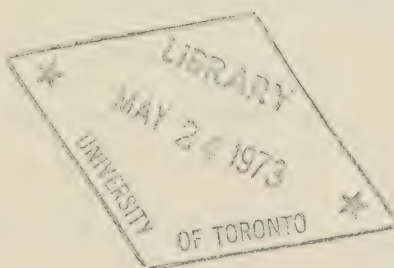
BILL 113

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ministry of Education Act

THE HON. T. L. WELLS
Minister of Education



EXPLANATORY NOTES

SECTION 1. The amendment makes it clear that the definition of a private school includes only those that provide instruction on school days for pupils who are of or over compulsory school age.

SECTION 2. The section is revised to prescribe the conditions under which the Minister may require that the number of pupils in certain categories be included in the enrolment on any date.

An Act to amend The Ministry of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ministry of Education Act*, being ^{s.1 (d),} amended chapter 111 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 73, section 1, is further amended by striking out "any day other than a school holiday for five or more pupils" in the third and fourth lines and inserting in lieu thereof "any school day for five or more pupils who are of or over compulsory school age".
2. Section 5 of the said Act, as amended by the Statutes of ^{s.5,} re-enacted Ontario, 1971, chapter 89, section 1, is repealed and the following substituted therefor:
 5. The Minister may, in respect of a school, require to be ^{Additions} included in the enrolment on any date the number of pupils, ^{to enrolment} ^{in special} ^{cases}
 - (a) who were absent from school because of enlistment in the Canadian Armed Forces, or to engage in the production of food or other essential materials; or
 - (b) who were absent from school because of,
 - (i) a failure of transportation arrangements,
 - (ii) the closing of one or more classrooms caused by inclement weather, fire, flood, the break-down of the school heating plant, or a similar emergency, or
 - (iii) the closing of the school under *The Emergency Measures Act*, *The Public Health Act*, this Act ^{R.S.O. 1970,} ^{cc. 145, 377} or the regulations,

where such failure or closing was, in the opinion of the Minister, unavoidable; or

- (c) who, under the terms of an arrangement approved by the Minister, were absent from a secondary school because of their early enrolment at a university or polytechnical institute in Ontario; or
- (d) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or
- (e) who were absent because of any other condition considered by the Minister to constitute an emergency.

s. 12 (1),
amended

3.—(1) Subsection 1 of section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 89, section 3, and 1972, chapter 73, section 4, is further amended by adding thereto the following paragraphs:

idem

36b. prescribing the fee to be paid to the Ministry for a transcript of standing obtained in Ontario by a pupil;

idem

36c. prescribing the fee to be paid to the Ministry by a teacher for the preparation, at his request, of a statement of standing obtained, or a description of courses completed, at a teacher training institution in Ontario, and the forwarding thereof to a certification authority outside Ontario or to an educational institution;

idem

36d. prescribing the conditions under which fees are to be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of educational standing obtained outside Ontario, and the amount of such fees.

s. 12,
amended

(2) The said section 12, as amended by the Statutes of Ontario, 1971, chapter 89, section 3, 1972, chapter 1, section 61 and 1972, chapter 73, section 4, is further amended by adding thereto the following subsections:

Educational
advancement
programs

(6) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations designating the programs, activities and projects or classes thereof for the fostering and promotion of educational advancement in respect of which payments to any person, board or organization may be made from funds appropriated by the Legislature for such purposes.

Accountable
advances

(7) Subject to the terms and conditions that are approved for such purpose by the Lieutenant Governor in Council, the Minister may make an accountable advance to any person,

SECTION 3.—Subsection 1. The new paragraphs provide for a fee to be charged for,

- (1) transcripts of standing obtained by pupils,
- (2) a statement of standing or a description of courses completed at a teacher training institution to be sent to another jurisdiction at the teacher's request, or
- (3) the evaluation of documents of educational standing obtained outside Ontario and sent to the Ministry from outside Ontario.

Subsection 2. The new subsections 6 and 7 authorize the designation by regulation of programs, activities and projects for educational development in respect of which the Minister may make payments from funds appropriated by the Legislature and authorize accountable advances to be made to persons and organizations outside the public service that assist or participate in such activities on terms approved by the Lieutenant Governor in Council.

The new subsection 8 authorizes the making of regulations in respect of the school year, school terms and school holidays and permitting boards with the approval of the Minister to implement a different school year and different school terms and holidays and provides that such school year, terms and holidays prevail where there is an inconsistency with any Act.

board or organization that is not within the public service and that participates in, conducts or assists in conducting, a program activity or project designated under subsection 6.

(8) Subject to the approval of the Lieutenant Governor School year, terms and holidays in Council, the Minister may make regulations,

- (a) prescribing and governing the school year, school terms and school holidays;
- (b) authorizing a board to vary one or more school terms or school holidays as designated by the regulations; and
- (c) permitting a board to designate, and to implement with the prior approval of the Minister, a school year, school terms and school holidays for one or more schools under its jurisdiction that are different from those prescribed by the regulations,

and where a school year, school term or school holiday prescribed by or established under such regulations conflicts or is inconsistent with the school year, school terms or school holidays prescribed by any Act, the school year, school term or school holiday prescribed by or established under such regulations, as the case may be, prevails.

- 4. This Act comes into force on the day it receives Royal Assent. Commence-ment
- 5. This Act may be cited as *The Ministry of Education Amendment* Short title Act, 1973.

An Act to amend
The Ministry of Education Act

1st Reading

May 15th, 1973

2nd Reading

3rd Reading

THE HON. T. I. WELLS
Minister of Education

(Government Bill)

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-B56

BILL 113

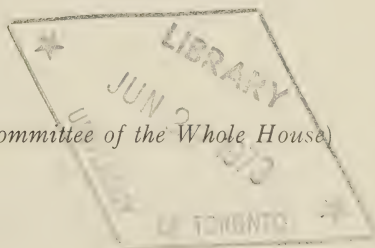
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ministry of Education Act

THE HON. T. L. WELLS
Minister of Education

(Reprinted as amended by the Committee of the Whole House)



EXPLANATORY NOTES

SECTION 1. The amendment makes it clear that the definition of a private school includes only those that provide instruction on school days for pupils who are of or over compulsory school age.

SECTION 2. The section is revised to prescribe the conditions under which the Minister may require that the number of pupils in certain categories be included in the enrolment on any date.

An Act to amend The Ministry of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ministry of Education Act*, being ^{s.1 (d),} amended chapter 111 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 73, section 1, is further amended by striking out "any day other than a school holiday for five or more pupils" in the third and fourth lines and inserting in lieu thereof "any school day for five or more pupils who are of or over compulsory school age".
2. Section 5 of the said Act, as amended by the Statutes of ^{s.5,} re-enacted Ontario, 1971, chapter 89, section 1, is repealed and the following substituted therefor:
 5. The Minister may, in respect of a school, require to be ^{Additions to enrolment in special cases} included in the enrolment on any date the number of pupils,
 - (a) who were absent from school because of enlistment in the Canadian Armed Forces, or to engage in the production of food or other essential materials; or
 - (b) who were absent from school because of,
 - (i) a failure of transportation arrangements,
 - (ii) the closing of one or more classrooms caused by inclement weather, fire, flood, the breakdown of the school heating plant, or a similar emergency, or
 - (iii) the closing of the school under *The Emergency Measures Act*, *The Public Health Act*, this Act ^{R.S.O. 1970, cc. 145, 377} or the regulations,

where such failure or closing was, in the opinion of the Minister, unavoidable; or

- (c) who, under the terms of an arrangement approved by the Minister, were absent from a secondary school because of their early enrolment at a university or polytechnical institute in Ontario; or
- (d) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or
- (e) who were absent because of any other condition considered by the Minister to constitute an emergency.

s. 10 (1),
amended

3. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 73, section 3, is further amended by adding thereto the following clause:

educational
advancement
programs,
activities and
projects and
accountable
advances

- (p) make payments out of funds appropriated therefor by the Legislature to a board, an individual, a voluntary association or a corporation without share capital having objects of a charitable or educational nature,
 - (i) to assist or advance programs, activities or projects for students that involve a cultural and educational exchange with other provinces and countries, provincial or interprovincial travel, school twinning and related assistance, leadership training, or summer employment, and
 - (ii) to foster and promote educational advancement by means of programs, activities or projects that are provided for visiting educational officials, designed to further the professional development of teachers and supervisory officers including exchange of such personnel, or considered by the Minister to be valuable in advancing a particular area of study,

and, subject to the terms and conditions that are approved for such purpose by the Lieutenant Governor in Council, make an accountable advance to the recipient of a payment under this clause or to an individual, not being a member of the public service, who conducts or assists in conducting or participates in any such program, activity or project.

s. 12 (1),
amended

4.—(1) Subsection 1 of section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 89, section 3,

SECTION 3. The new clause *p* authorizes the Minister to make payments from funds appropriated by the Legislature to a school board and other persons to assist, advance, foster or promote programs, activities or projects to broaden the education of students or education officials.

SECTION 4.—Subsection 1. The new paragraphs provide for a fee to be charged for,

- (1) transcripts of standing obtained by pupils,
- (2) a statement of standing or a description of courses completed at a teacher training institution to be sent to another jurisdiction at the teacher's request, or
- (3) the evaluation of documents of educational standing obtained outside Ontario and sent to the Ministry from outside Ontario.

Subsection 2. The new subsection 6 authorizes the making of regulations in respect of the school year, school terms and school holidays and permitting boards with the approval of the Minister to implement a different school year and different school terms and holidays and provides that such school year, terms and holidays prevail where there is an inconsistency with any Act.

and 1972, chapter 73, section 4, is further amended by adding thereto the following paragraphs:

36*b*. prescribing the fee to be paid to the Ministry for a ^{idem} transcript of standing obtained in Ontario by a pupil;

36*c*. prescribing the fee to be paid to the Ministry by a ^{idem} teacher for the preparation, at his request, of a statement of standing obtained, or a description of courses completed, at a teacher training institution in Ontario, and the forwarding thereof to a certification authority outside Ontario or to an educational institution;

36*d*. prescribing the conditions under which fees are to ^{idem} be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of educational standing obtained outside Ontario, and the amounts of such fees.

(2) The said section 12, as amended by the Statutes of ^{s. 12, amended} Ontario, 1971, chapter 89, section 3, 1972, chapter 1, section 61 and 1972, chapter 73, section 4, is further amended by adding thereto the following subsection:

(6) Subject to the approval of the Lieutenant Governor ^{School year, terms and holidays} in Council, the Minister may make regulations,

(a) prescribing and governing the school year, school terms and school holidays;

(b) authorizing a board to vary one or more school terms or school holidays as designated by the regulations; and

(c) permitting a board to designate, and to implement with the prior approval of the Minister, a school year, school terms and school holidays for one or more schools under its jurisdiction that are different from those prescribed by the regulations,

and where a school year, school term or school holiday prescribed by or established under such regulations conflicts or is inconsistent with the school year, school terms or school holidays prescribed by any Act, the school year, school term or school holiday prescribed by or established under such regulations, as the case may be, prevails.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ministry of Education Amendment Act, 1973*.

An Act to amend
The Ministry of Education Act

1st Reading

May 15th, 1973

2nd Reading

May 22nd, 1973

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(*Reprinted as amended by the
Committee of the Whole House*)

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-B56

BILL 113

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ministry of Education Act

THE HON. T. L. WELLS
Minister of Education



An Act to amend The Ministry of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ministry of Education Act*, being ^{s. 1 (d),} amended chapter 111 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 73, section 1, is further amended by striking out "any day other than a school holiday for five or more pupils" in the third and fourth lines and inserting in lieu thereof "any school day for five or more pupils who are of or over compulsory school age".
2. Section 5 of the said Act, as amended by the Statutes of ^{s. 5,} re-enacted Ontario, 1971, chapter 89, section 1, is repealed and the following substituted therefor:
 5. The Minister may, in respect of a school, require to be ^{Additions} included in the enrolment on any date the number of pupils, ^{to enrolment} in special cases
 - (a) who were absent from school because of enlistment in the Canadian Armed Forces, or to engage in the production of food or other essential materials; or
 - (b) who were absent from school because of,
 - (i) a failure of transportation arrangements,
 - (ii) the closing of one or more classrooms caused by inclement weather, fire, flood, the break-down of the school heating plant, or a similar emergency, or
 - (iii) the closing of the school under *The Emergency Measures Act*, *The Public Health Act*, this Act ^{R.S.O. 1970,} or the regulations, ^{cc. 145, 377}

where such failure or closing was, in the opinion of the Minister, unavoidable; or

- (c) who, under the terms of an arrangement approved by the Minister, were absent from a secondary school because of their early enrolment at a university or polytechnical institute in Ontario; or
- (d) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or
- (e) who were absent because of any other condition considered by the Minister to constitute an emergency.

s. 10 (1),
amended

3. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 73, section 3, is further amended by adding thereto the following clause:

educational
advancement
programs,
activities and
projects and
accountable
advances

- (p) make payments out of funds appropriated therefor by the Legislature to a board, an individual, a voluntary association or a corporation without share capital having objects of a charitable or educational nature,
 - (i) to assist or advance programs, activities or projects for students that involve a cultural and educational exchange with other provinces and countries, provincial or interprovincial travel, school twinning and related assistance, leadership training, or summer employment, and
 - (ii) to foster and promote educational advancement by means of programs, activities or projects that are provided for visiting educational officials, designed to further the professional development of teachers and supervisory officers including exchange of such personnel, or considered by the Minister to be valuable in advancing a particular area of study,

and, subject to the terms and conditions that are approved for such purpose by the Lieutenant Governor in Council, make an accountable advance to the recipient of a payment under this clause or to an individual, not being a member of the public service, who conducts or assists in conducting or participates in any such program, activity or project.

s. 12 (1),
amended

4.—(1) Subsection 1 of section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 89, section 3,

and 1972, chapter 73, section 4, is further amended by adding thereto the following paragraphs:

36b. prescribing the fee to be paid to the Ministry for a ^{idem} transcript of standing obtained in Ontario by a pupil;

36c. prescribing the fee to be paid to the Ministry by a ^{idem} teacher for the preparation, at his request, of a statement of standing obtained, or a description of courses completed, at a teacher training institution in Ontario, and the forwarding thereof to a certification authority outside Ontario or to an educational institution;

36d. prescribing the conditions under which fees are to ^{idem} be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of educational standing obtained outside Ontario, and the amounts of such fees.

(2) The said section 12, as amended by the Statutes of ^{s. 12, amended} Ontario, 1971, chapter 89, section 3, 1972, chapter 1, section 61 and 1972, chapter 73, section 4, is further amended by adding thereto the following subsection:

(6) Subject to the approval of the Lieutenant Governor ^{School year, terms and holidays} in Council, the Minister may make regulations,

(a) prescribing and governing the school year, school terms and school holidays;

(b) authorizing a board to vary one or more school terms or school holidays as designated by the regulations; and

(c) permitting a board to designate, and to implement with the prior approval of the Minister, a school year, school terms and school holidays for one or more schools under its jurisdiction that are different from those prescribed by the regulations,

and where a school year, school term or school holiday prescribed by or established under such regulations conflicts or is inconsistent with the school year, school terms or school holidays prescribed by any Act, the school year, school term or school holiday prescribed by or established under such regulations, as the case may be, prevails.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ministry of Education Amendment Act, 1973*.

An Act to amend
The Ministry of Education Act

1st Reading

May 15th, 1973

2nd Reading

May 22nd, 1973

3rd Reading

June 7th, 1973

THE HON. T. L. WELLS
Minister of Education

CA20N
XB
-B56

BILL 114

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Schools Act

THE HON. T. L. WELLS
Minister of Education

EXPLANATORY NOTES

SECTION 1. The amendment renders the subsection consistent with the new provisions for the school year in *The Ministry of Education Act*.

SECTION 2. The amendment provides for the use of the assessment equalization factor provided by the Minister.

SECTION 3. The amendment makes the provisions of *The Municipal Elections Act, 1972* in respect of the validity of elections and corrupt practices apply in the case of public school board elections that are not conducted under that Act.

SECTION 4. The amendment makes it clear that in the case of election of trustees to a township school area board in unorganized territory the procedures are those provided for the election of trustees in rural sections rather than the procedures under *The Municipal Elections Act, 1972*.

SECTION 5. The amendment deletes reference to a school term and renders the subsection consistent with the new provisions for the school year in *The Ministry of Education Act*.

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 4 of *The Public Schools Act*, being s. 4 (7), chapter 385 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(7) The board may provide a class or classes for children ^{Beginners class} to enter school for the first time on or after the first school day in January, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class.

2. Subsection 10 of section 5 of the said Act, as re-enacted by the ^{s. 5 (10), amended} Statutes of Ontario, 1971, chapter 69, section 1, is amended by striking out "determined under section 71 of *The Assessment Act*" in the ninth and tenth lines and inserting in lieu thereof "provided by the Minister".

3. The said Act is amended by adding thereto the following section: ^{s. 24, enacted}

24. The provisions of *The Municipal Elections Act, 1972* in ^{Corrupt practices} respect of the validity of elections and corrupt practices apply to the election of trustees. 1972, c. 95

4. Subsection 5 of section 29 of the said Act is amended by ^{s. 29 (5), amended} inserting after "ballot" in the second line "in accordance with section 34".

5. Subsection 1 of section 43 of the said Act is amended by striking ^{s. 43 (1), amended} out "in a school term" in the first line and by striking out "as of the last day of that school term" in the sixth and seventh lines.

s. 51 (1) (b),
repealed

6.—(1) Clause *b* of subsection 1 of section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 74, section 14, is repealed.

s. 51 (1) (c),
amended

(2) Clause *c* of subsection 1 of the said section 51 is amended by striking out "this Act" in the third line and inserting in lieu thereof "*The Ministry of Education Act, The Schools Administration Act* or the regulations".

s. 51a,
enacted

7. The said Act is further amended by adding thereto the following section:

Estimates

51a. Every board shall prepare and adopt estimates of all sums required during the year for its purposes and in connection therewith the provisions of section 31 of *The Secondary Schools and Boards of Education Act* that apply in respect of the estimates for public school purposes of a board of a school division apply *mutatis mutandis* to the estimates of the board.

R.S.O. 1970,
c. 425

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Public Schools Amendment Act, 1973*.

SECTION 6.—Subsection 1. The provisions of the clause repealed are now provided for in the new section 51*a*.

Subsection 2. The amendment renders the clause consistent with the new provisions for the school year in *The Ministry of Education Act*.

SECTION 7. The new section incorporates by reference the provisions of section 31 of *The Secondary Schools and Boards of Education Act* that apply to the estimates of a divisional board for public school purposes.

An Act to amend
The Public Schools Act

1st Reading

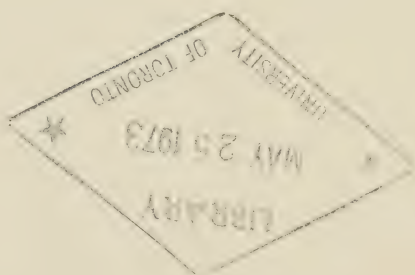
May 15th, 1973

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)



BILL 114

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Schools Act

THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 4 of *The Public Schools Act*, being ^{s. 4 (7),} chapter 385 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(7) The board may provide a class or classes for children ^{Beginners} to enter school for the first time on or after the first school ^{class} day in January, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class.

2. Subsection 10 of section 5 of the said Act, as re-enacted by the ^{s. 5 (10),} Statutes of Ontario, 1971, chapter 69, section 1, is amended ^{amended} by striking out "determined under section 71 of *The Assessment Act*" in the ninth and tenth lines and inserting in lieu thereof "provided by the Minister".

3. The said Act is amended by adding thereto the following section: ^{s. 24,} ^{enacted}

24. The provisions of *The Municipal Elections Act, 1972* in ^{Corrupt} respect of the validity of elections and corrupt ^{practices} practices apply ^{1972, c. 95} to the election of trustees.

4. Subsection 5 of section 29 of the said Act is amended by ^{s. 29 (5),} inserting after "ballot" in the second line "in accordance with ^{amended} section 34".
5. Subsection 1 of section 43 of the said Act is amended by striking ^{s. 43 (1),} out "in a school term" in the first line and by striking out "as ^{amended} of the last day of that school term" in the sixth and seventh lines.

s. 51 (1) (b),
repealed

- 6.**—(1) Clause *b* of subsection 1 of section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 74, section 14, is repealed.

s. 51 (1) (c),
amended

- (2) Clause *c* of subsection 1 of the said section 51 is amended by striking out "this Act" in the third line and inserting in lieu thereof "*The Ministry of Education Act, The Schools Administration Act* or the regulations".

s. 51a,
enacted

- 7.** The said Act is further amended by adding thereto the following section:

Estimates

51a. Every board shall prepare and adopt estimates of all sums required during the year for its purposes and in connection therewith the provisions of section 31 of *The Secondary Schools and Boards of Education Act* that apply in respect of the estimates for public school purposes of a board of a school division apply *mutatis mutandis* to the estimates of the board.

R.S.O. 1970,
c. 425

Commence-
ment

- 8.** This Act comes into force on the day it receives Royal Assent.

Short title

- 9.** This Act may be cited as *The Public Schools Amendment Act, 1973*.

An Act to amend
The Public Schools Act

1st Reading

May 15th, 1973

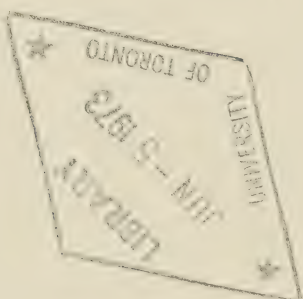
2nd Reading

May 22nd, 1973

3rd Reading

May 22nd, 1973

THE HON. T. L. WELLS
Minister of Education



CA20N

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-B 56

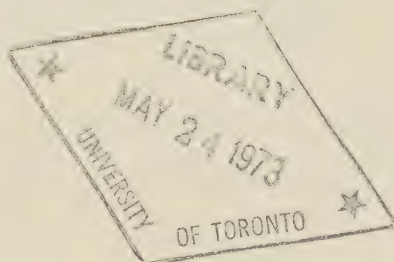
BILL 115

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ministry of Community and Social Services Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Subsection 2 of section 3 of the Act, authorizing the Ministry to enter into cost-sharing agreements on behalf of Ontario with the Government of Canada, is amended to include other matters that are or may become the subject of Federal/Provincial agreements.

**An Act to amend
The Ministry of Community and
Social Services Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (2) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting,
 - (a) any matter for the administration of which the Minister is responsible; and
 - (b) the payment by Canada to Ontario of any portion of any expenditures made before or after this Act comes into force by Ontario or by any municipality under any Act of Ontario.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1973*.

s. 3 (2),
re-enacted

Agreements

Commence-
ment

Short title

An Act to amend
The Ministry of Community and
Social Services Act

1st Reading

May 15th, 1973

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Government Bill)

CA20N

XB

-B 56

BILL 115

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ministry of Community and Social Services Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 115

1973

**An Act to amend
The Ministry of Community and
Social Services Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (2) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting,
 - (a) any matter for the administration of which the Minister is responsible; and
 - (b) the payment by Canada to Ontario of any portion of any expenditures made before or after this Act comes into force by Ontario or by any municipality under any Act of Ontario.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1973*.

s. 3 (2),
re-enacted

Agreements

Commence-
ment

Short title

An Act to amend
The Ministry of Community and
Social Services Act

1st Reading

May 15th, 1973

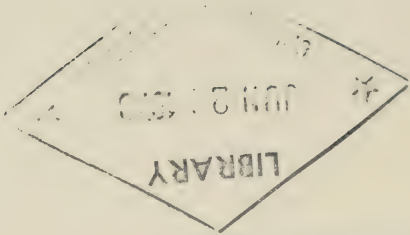
2nd Reading

May 29th, 1973

3rd Reading

May 29th, 1973

THE HON. R. BRUNELLE
Minister of Community and
Social Services



3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to establish the Bureau of Repair Services

MR. NEWMAN
(Windsor-Walkerville)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to control the repairing of household appliances, including television sets and radios, through a system of registration of persons engaged in the business of making these repairs.

An Act to establish the Bureau of Repair Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Bureau" means the Bureau of Repair Services;
- (b) "household appliances" includes television sets and radios;
- (c) "Registrar" means the Registrar of the Consumer Protection Bureau;
- (d) "regulations" means the regulations made under this Act;
- (e) "repairer" means a person engaged in the business of repairing household appliances.

2. There shall be a division of the Consumer Protection Bureau to be known as the Bureau of Repair Services, which shall consist of the Registrar of the Consumer Protection Bureau and such other officers and employees thereof as are considered necessary.

Bureau of
Repair
Services
established

3.—(1) No person shall engage in the business of repairing household appliances unless he is registered under this Act.

Registration
required

(2) A registered repairer of household appliances shall not carry on business in a name other than the name in which he is registered or from a place of business other than that stated in the registration.

Name and
place of
business

4.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

Registration

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty.

Refusal to
renew,
suspend or
revoke

5. Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant.

Where
Registrar
proposes to
refuse,
suspend or
revoke
R.S.O. 1970,
c. 82

6. The provisions of section 7 of *The Consumer Protection Act* apply *mutatis mutandis* where the Registrar proposes to refuse, refuse to renew, suspend or revoke a registration.

Investigation
of complaints

7.—(1) Where the Bureau receives a complaint in respect of a repairer and so requests in writing, the repairer shall furnish the Bureau with such information in respect of the matter complained of as the Bureau requires.

Idem

(2) For the purposes of subsection 1, any officer or employee of the Bureau may at any reasonable time enter upon the business premises of the repairer to make an inspection in relation to the complaint.

Inspection

8. Where an officer or employee of the Bureau has reasonable and probable grounds to believe that any person is engaged in the business of repairing household appliances while unregistered, the officer or employee may at any reasonable time enter such person's business premises and make an inspection to determine whether or not the person is in contravention of section 3.

Notice of
changes

9.—(1) Every repairer shall, within five days after the event, notify the Bureau in writing of,

- (a) any change in the location at which he carries on the repair business;
- (b) in the case of a corporation, any change of officers; or
- (c) in the case of a partnership, any change in the members of the partnership.

(2) The Bureau shall be deemed to be notified under sub- ^{Idem} section 1 on the day on which it is actually notified or, where the notice is sent by mail, on the day of mailing.

10. Any notice or order given or served under this Act or ^{Service} the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the last known address of the person to whom delivery or service is to be made in which case it shall be deemed to be given or served on the third day after the day of mailing unless the person establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice at all or until a later date.

11. Every person who contravenes this Act or the ^{Offence} regulations and every director or officer of a corporation who knowingly concurs therein are guilty of an offence and on summary conviction are liable to a fine of not more than \$1,000.

12. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) governing applications for registration and renewal of registration of repairers;
- (b) requiring repairers to make returns and furnish information to the Bureau;
- (c) requiring the payment of fees on application for registration under this Act or for renewal of such registration, and prescribing the amounts thereof;
- (d) prescribing forms and providing for their use;
- (e) prescribing classes of repairers and exempting any class of repairer from the application of this Act or the regulations or any provision thereof;
- (f) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

13. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

14. This Act may be cited as *The Bureau of Repair Services* ^{Short title} Act, 1973.

An Act to establish
the Bureau of Repair Services

1st Reading

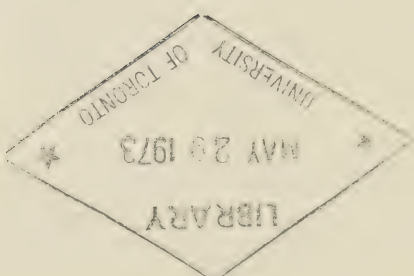
May 15th, 1973

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(Private Member's Bill)



A20N

B

B 56

BILL 117

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for Uniform
Time in the Province of Ontario**

MR. CASSIDY

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill proposes the use of daylight saving time on a year round basis.

BILL 117

1973

An Act to provide for Uniform Time in the Province of Ontario

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation

- (a) "Eastern daylight saving time" means time which
is four hours behind Greenwich time;
- (b) "Eastern standard time" means time which is five
hours behind Greenwich time.

2. Subject to section 3, the time used in the Province
of Ontario from the first day of January to the thirty-first
day of December in each year shall be Eastern daylight saving
time.

3. The Lieutenant Governor in Council may make regula-
tions varying the application of this Act within a municipal-
ity where the municipality, by resolution of its council,
requests the use of Eastern standard time for all or part of
a year.

4. This Act comes into force on the day it receives Royal
Assent.

5. This Act may be cited as *The Uniform Time Act, 1973*.

Short title

An Act to provide for Uniform
Time in the Province of Ontario

1st Reading

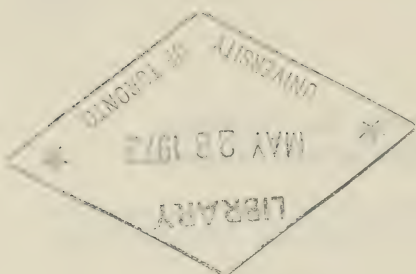
May 15th, 1973

2nd Reading

3rd Reading

MR. CASSIDY

(*Private Member's Bill*)



CA20N
XB
-B56

Government
Public

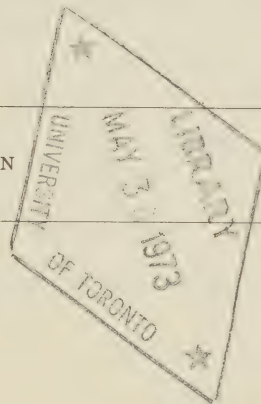
BILL 118

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for the
Controlling of Hours in Retail Establishments**

MR. PATERSON



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to provide for uniform holidays and business hours for retail establishments throughout the Province.

BILL 118

1973

An Act to provide for the Controlling of Hours in Retail Establishments

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "retail establishment" means any establish-^{Interpre-}ment or place where goods are sold or offered for sale at retail.^{tation}
2. The Minister of Consumer and Commercial Relations^{Administra-} is responsible for the administration of this Act.^{tion}
3. This Act does not apply to, ^{Excluded}
 - (a) a retail establishment or that part of a retail^{establish-} establishment whose main activity is the sale of, ^{ments}
 - (i) newspapers or periodicals,
 - (ii) tobacco or articles required for the use of tobacco,
 - (iii) meals,
 - (iv) goods to be consumed on the premises, including delicatessen products,
 - (v) pastries, confectionery or dairy products,
 - (vi) pharmaceutical, hygienic or sanitary products,
 - (vii) gasoline, motor oil or fuel oil,
 - (viii) trailers or boats,
 - (ix) agricultural machinery, or
 - (x) flowers or farm produce from stands;

R.S.O. 1970,
c. 249

(b) a government store as defined in *The Liquor Control Act*;

R.S.O. 1970,
cc. 371, 78

(c) a retail establishment in a provincial park established under *The Provincial Parks Act*, a conservation area established under *The Conservation Authorities Act* or a park under the management of The Niagara Parks Commission or The St. Lawrence Parks Commission;

(d) a retail establishment or that part of a retail establishment where goods are sold only as accessory to services rendered in carrying out a contract of lease; or

(e) a retail establishment in a tourist or resort community designated in the regulations.

Days when
customer not
admitted

4.—(1) No customer shall be admitted to a retail establishment on,

(a) New Year's Day;

(b) Good Friday;

(c) Easter Monday;

(d) Victoria Day;

(e) Dominion Day;

(f) Civic Holiday;

(g) Labour Day;

(h) Thanksgiving Day;

(i) Christmas Day; or

(j) the 26th day of December before 1.00 o'clock in the afternoon.

Idem

(2) Except for those days listed in clauses *b*, *c* and *g*, where any day listed in subsection 1 falls on a Sunday, the day next following is in lieu thereof a day when no customer shall be admitted to a retail establishment.

Hours when
customer not
admitted

5.—(1) Except from the 1st day of December to the 31st day of December, no customer shall be admitted to a retail establishment,

(a) before 8.00 o'clock in the morning; or

(b) after 6.00 o'clock in the evening,

on Monday, Tuesday, Wednesday or Saturday.

(2) No customer shall be admitted to a retail establishment, ^{Idem}

(a) before 8.00 o'clock in the morning; or

(b) after 10.00 o'clock in the evening,

on a Thursday or Friday.

6. No customer shall remain in a retail establishment ^{Time limit for} for more than thirty minutes after the hour after which it is ^{customers} forbidden to admit customers under section 5.

7. Every person who contravenes any provision of this ^{Offence} Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

8. The Lieutenant Governor in Council may make regu- ^{Regulations} lations designating tourist and resort areas for the purpose of clause e of section 3.

9. This Act comes into force on the 1st day of January, 1974. <sup>Commence-
ment</sup>

10. This Act may be cited as *The Retail Establishment* ^{Short title} *Business Hours Act, 1973.*

An Act to provide for the
Controlling of Hours in
Retail Establishments

1st Reading

May 15th, 1973

2nd Reading

3rd Reading

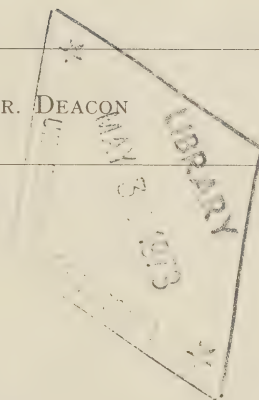
MR. PATERSON

(Private Member's Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Consumer Protection Act

MR. DEACON



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for warnings in rental contracts as to whether or not loss of or damage to the goods rented is included in the rental fee. The warnings also point out that the person renting the goods may be responsible for loss of or damage to the rented goods where no insurance is included.

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part:

PART III-A

RENTAL CONTRACTS

43a.—(1) Where a person enters into a contract for the rental of goods, the owner of the goods or his agent, as the case may be, shall inform the person as to whether or not insurance for loss of or damage to the goods is included in the rental fee. Whether insurance included in rental fee

(2) Where a contract referred to in subsection 1 is a written contract, the contract shall have printed on it in bold face type in the manner prescribed in the regulations, a warning as to whether or not insurance for loss of or damage to the goods is included in the rental fee. Warning

43b.—(1) Where a contract referred to in subsection 1 of section 43a does not include insurance for loss of or damage to the goods as part of the rental fee, the owner of the goods or his agent, as the case may be, shall inform the person renting the goods that the person may be responsible for loss of or damage to the goods rented. Responsibility for loss or damage

(2) Where a contract referred to in subsection 1 is a written contract, the contract shall have printed on it in bold face type in the manner prescribed in the regulations, a warning that the person renting the goods may be responsible for loss of or damage to the goods rented. Warning

2. Section 49 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 23, is further amended by adding thereto the following clause: s. 49, amended

(p) prescribing the manner in which the warnings referred to in subsection 2 of section 43*a* and subsection 2 of section 43*b* are to be used in rental contracts.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Consumer Protection Amendment Act, 1973*.

An Act to amend
The Consumer Protection Act

1st Reading

May 17th, 1973

2nd Reading

3rd Reading

MR. DEACON

(Private Member's Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Workmen's Compensation Act

MR. MARTEL



EXPLANATORY NOTE

Where a workman has an industrial disease and there is a time lag between its incurrence and its effects, the amendment requires him to be compensated on the basis of the scale of pay when the disability takes effect, and not on the scale of pay when it was incurred.

BILL 120

1973

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 118 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(6a) For the purposes of fixing the amount of the compensation, the accident shall be deemed to have occurred at the time the application for compensation is made and the average earnings shall be deemed to be at the rate being earned by a person in the same grade employed in the same work in the same locality at the time of the application.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1973*.

s. 118,
amendedAverage
earningsCommence-
ment

Short title

An Act to amend
The Workmen's Compensation Act

1st Reading

May 24th, 1973

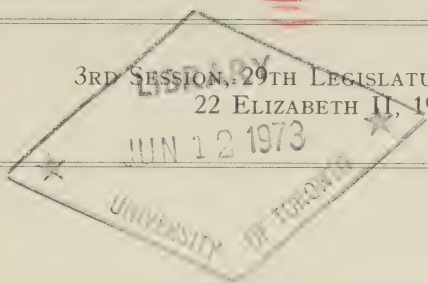
2nd Reading

3rd Reading

MR. MARTEL

(Private Member's Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



**An Act to establish
The Gasoline Retailers Bill of Rights**

MR. DEACON

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes a Bill of Rights for gasoline retailers.

An Act to establish The Gasoline Retailers Bill of Rights

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "motor vehicle fuel" means any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include aviation fuel or the products commonly known as fuel oil, coal oil or kerosene, except when any such product is mixed or combined with motor vehicle fuel. <sup>Interpre-
tation</sup>

2. Notwithstanding the terms of any contract between an oil company or any other supplier of petroleum products and a retailer, where a retailer of petroleum products is required or permitted to, <sup>Entitlement
to rights</sup>

- (a) invest his own money;
- (b) take a risk of losing his own money;
- (c) pay salaries to employees;
- (d) lease the retail premises, pay an occupancy charge for the premises or own the premises; or
- (e) buy motor vehicle fuel or other merchandise or be charged with the cost of motor vehicle fuel or other merchandise for resale,

the retailer is entitled to the rights set out in section 4 and where the retailer is a tenant he is also entitled to the rights set out in section 3.

3. Where an oil company or other supplier provides premises to a person to conduct the business of retailing petroleum products and the person is required to pay a rental or occupancy charge, that person is entitled to security of tenure under a lease which is deemed to include the following provisions: <sup>Rights
of tenants</sup>

1. Rent is payable monthly and the rental formula is not to be changed during the term of a lease except with the consent of the retailer.
2. Subject to the right of either the lessor or the lessee to terminate the lease at any time on thirty days written notice, the term of a first lease shall not be less than one year.
3. Except where a shorter term is agreed upon in writing by the lessor and lessee, the term of a lease subsequent to the lease referred to in paragraph 2 or a renewal of a lease shall not be less than three years.
4. Where either the lessor or lessee does not intend to renew a lease or a renewal of a lease, he shall give the other party notice in writing, at least ninety days before the expiry of the lease or renewal, of his intention not to renew.
5. Subject to section 7, except where,
 - (i) the lessee fails to pay his monthly rent within fifteen days of the date when it is due,
 - (ii) the lessee fails to maintain the retail premises in good repair, reasonable wear and tear excepted,
 - (iii) the lessee abandons the retail premises,
 - (iv) the lessee declares bankruptcy or becomes insolvent,
 - (v) the lessee does not operate the retail premises during normal business hours for that locality for reasons within the control of the lessee for three consecutive days,
 - (vi) the lessee sells from the retail premises motor vehicle fuel which was not purchased from the lessor, or
 - (vii) the lessee sells from the retail premises, grades of motor vehicle fuels other than those grades purchased from the lessor,
 a lease shall not be terminated by the lessor during its term and the exercise by the lessee of any right conferred on him by this Act is not an exceptional circumstance entitling a lessor to terminate.

6. Except where the lessee has not complied with the terms of the lease, a lessee has the right of first refusal on any lease subsequent to a lease referred to in paragraph 2 or a renewal of a lease and the lessor shall not rent the retail premises to any other person for a lesser rental or on more favourable terms and conditions than have first been offered to and declined by the existing lessee.
7. Where a lessor sells a retail premises, the lessee in possession shall have a right of first refusal and the lessor shall not sell the premises at a lesser price or on more favourable terms and conditions than have first been offered to and refused by the lessee.
8. Where there is a termination of a lease or a failure on the part of the lessor and lessee to enter into a new lease, the lessor shall offer to buy from the lessee,
 - (i) all the resaleable stock of the retail premises at the lessee's cost, and
 - (ii) all the equipment in the retail premises at fair market value.
9. In the event of the death of the lessee, the executors of the lessee's estate may,
 - (i) sell the business of the retail premises, including goodwill, to any person other than the lessor, or
 - (ii) sell the stock and equipment to the lessor subject to the provisions of paragraph 8 within such reasonable period as may be agreed to by the lessor.

4.—(1) A retailer of petroleum products, whether an owner or tenant has the right, Rights of all retailers

- (a) to join and accept office in any trade association of his choice without interference, penalties or sanctions from any oil company or other company which is his landlord or supplies him with petroleum products;
- (b) to make submissions or representations to any oil company or other company which supplies him with petroleum products through the trade association to

which he belongs on behalf of himself and other operators who sell the brand name products of that oil company or other company;

- (c) subject to subsection 2 and subject to his compliance with the laws and by-laws of the place where he carries on business, to determine the hours during which his business will be open to serve the public, and no oil company or other company which is his landlord or supplier shall offer or give any inducement or advantage or impose any penalty or sanction to influence the operator in his free choice of business hours;
- (d) to buy, sell, stock, display and advertise on the premises any brand or kind of tires, batteries, accessories, or other merchandise;
- (e) subject to clause *i* and subsection 3 and except for motor vehicle fuel, to buy, sell, stock, display or advertise on the premises any kind or brand of lubricating oil and grease, anti freeze, kerosene and other petroleum products;
- (f) except where he is requested to do otherwise by a customer, to service vehicles on the premises, in the lubricating bay or in the service bays with any kind or brand of anti freeze, oil, grease or lubricant;
- (g) to receive from an oil company or other supplier which advertises its brand name products to the public, at no cost to the retailer, any articles, tickets, chances, gifts, bonuses, premiums or other promotional items or services the retailer may require to enable the retailer to play his part as advertised in any brand or product promotion;
- (h) to receive full compensation from an oil company or other supplier of petroleum products for providing any services which the oil company or other supplier advertises that the retailer will perform free or will perform for less than his usual price and for providing any merchandise that the oil company or other supplier advertises that the operation will provide free or for less than the operator's usual retail price, such that the operator's income and expense per item are not altered as a result of the oil company's or other supplier's advertising;

(i) to an exclusive area for sales of the brand name motor vehicle fuel, where he is required to buy, trade, advertise or sell a brand name motor vehicle fuel exclusively, and such area shall be determined by equitable principles;

(j) to be paid fair value for the goodwill of the retail premises developed directly or indirectly by him before he is required to vacate.

(2) A lessor may require a lessee to extend the hours during which the lessee's business is open to the public for a trial period of not more than six months and where the lessee fails to realize a reasonable profit during that trial period he may revert to his former business hours at the end of the trial period.

(3) Where a lessee purchases products, including petroleum products, from persons other than the lessor, the lessee shall,

(a) maintain a supply of the lessor's branded products sufficient to meet requests for those products from customers of the lessee; and

(b) not openly display, promote or advertise products distributed by persons other than the lessor.

5. Subject to the provisions of sections 3 and 4, the lessor may enter into covenants with the lessee on matters relating to,

(a) the standard of service to the public to be provided on the retail premises by the lessee;

(b) the protection of the lessor's trade mark and brand name by the lessee;

(c) the quality and competence of the staff to be employed by the lessee;

(d) accounting procedures to be used by the lessee; and

(e) the lessee's right to assign the lease or to sublet.

6. The lessee may require the lessor to enter into covenants on matters relating to,

(a) the delivery of products including petroleum products by the lessor;

- (b) the lessor's giving the lessee advice and guidance on operating the retail premises;
- (c) the use by the lessee of a retail credit system; and
- (d) the identification of the retail premises by the lessor's brand name or trade mark.

Notice of
intention to
terminate

7. In the case of a default of any of the terms of the lease, the lessor or the lessee may, on written notice, require the other party to remedy the default within fifteen days of giving the notice and where the default is not remedied in that time, the lessor or the lessee, as the case may be, may terminate the lease on a further seven days written notice.

Offence

8. Every person who violates the rights of a retailer as provided for in this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Gasoline Retailers Bill of Rights Act, 1973*.

An Act to establish
The Gasoline Retailers Bill of Rights

1st Reading

May 24th, 1973

2nd Reading

3rd Reading

MR. DEACON

(Private Member's Bill)

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-B56

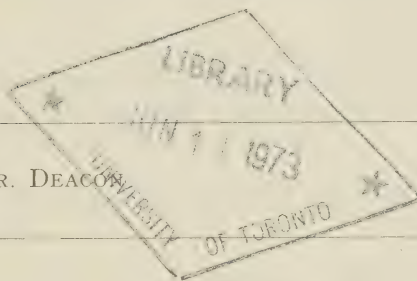
BILL 122

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Moosonee Development Area Board Act**

MR. DEACON



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the election of members to the Board by means of a general election rather than by designation by the Lieutenant Governor in Council.

An Act to amend The Moosonee Development Area Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 2 of *The Moosonee Development Area Board Act*, being chapter 277 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 2 (2),
re-enacted
- (2) The Board shall consist of five members elected by a ^{Composition} general vote of electors in the Development Area, such members to assume the offices of chairman, vice-chairman and members according to the number of votes received at that election.
- (2a) The provisions of *The Municipal Elections Act, 1972* ^{Application of} apply to an election under this Act.

1972, c. 95
- (2) Subsection 4 of the said section 2 is repealed and the ^{s. 2 (4),} following substituted therefor:

re-enacted
- (4) Where a vacancy occurs on the Board through death, ^{vacancy} resignation or otherwise, the vacancy shall be filled by a general vote of electors in the Development Area.
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Moosonee Development Area Board Amendment Act, 1973*.

Short title

An Act to amend
The Moosonee Development
Area Board Act

1st Reading

May 24th, 1973

2nd Reading

3rd Reading

MR. DEACON

(Private Member's Bill)

A20N
B
B56

BILL 123

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Employment Standards Act**

MR. BURR

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill would require an employer who employs twenty or more persons to employ one disabled person for every thirty employees (i.e. the 20th, 50th, 80th, etc.).

BILL 123

1973

An Act to amend The Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(ba) "disabled person" means a person who on account of injury, disease or congenital deformity is handicapped in getting or keeping reasonable employment on his own account and whose disability is likely to last twelve months or more.

2. The said Act is amended by adding thereto the following Part: Act,
amended

PART IX-A

HIRING OF DISABLED PERSONS

35a. Every employer shall, where he employs twenty or more persons, employ one disabled person for every thirty persons employed by him, beginning with the twentieth employee. Disabled persons to be hired

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Employment Standards Amendment Act, 1973*. Short title

An Act to amend
The Employment Standards Act

1st Reading

May 24th, 1973

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)



CA20N

XB

-B56

BILL 124

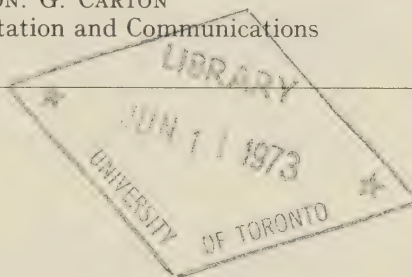
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Government
Publications

An Act to amend The Highway Traffic Act

THE HON. G. CARTON
Minister of Transportation and Communications



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment is complementary to the new length provision for buses in the amendment to subsection 7 of section 70 of the Act.

Subsection 2. The definitions of "Minister" and "Ministry" are self-explanatory.

The definition of "mobile home" is complementary to the amendment of the definition of "trailer" in subsection 4 of this section of the Bill.

Subsection 3. A "mobile home" is excluded from the definition of "trailer".

SECTION 2.—Subsections 1 to 4. The amendment removes the requirement that a conversion unit be registered. This is complementary to the provisions in the Act permitting the carrying of 15,000 pounds in addition to the gross weight of a registered truck-tractor when a conversion unit is used and an additional fee is paid.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act*, ^{s. 1 (1), amended} being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:
 - 1a. “bus” means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons.
 - (2) Paragraph 15 of subsection 1 of the said section 1 is repealed ^{s. 1 (1), par. 15, re-enacted} and the following substituted therefor:
 15. “Minister” means the Minister of Transportation and Communications;
 - 15a. “Ministry” means the Ministry of Transportation and Communications;
 - 15b. “mobile home” means a vehicle, other than a motor vehicle, that is designed and used as a residence or working accommodation unit and exceeds 102 inches in width or 35 feet in length.
 - (3) Paragraph 34 of subsection 1 of the said section 1 is ^{s. 1 (1), par. 34, amended} amended by inserting after “husbandry” in the third line “a mobile home”.
- 2.—(1) Subsection 1 of section 6 of the said Act is amended by ^{s. 6 (1), amended} striking out “trailer or conversion unit” in the first and second lines and in the fifth line and inserting in lieu thereof in each instance “or trailer”.
 - (2) Subsection 3 of the said section 6 is amended by ^{s. 6 (3), amended} striking out “trailer or conversion unit” in the first and second lines and in the third line and inserting in lieu thereof in each instance “or trailer”.

s. 6 (4),
amended

- (3) Subsection 4 of the said section 6 is amended by striking out "trailer or conversion unit" in the third line and in the eighth line and inserting in lieu thereof in each instance "or trailer".

s. 6 (5),
amended

- (4) Subsection 5 of the said section 6 is amended by striking out "trailers or conversion units" in the second line and inserting in lieu thereof "or trailers".

s. 6,
amended

- (5) The said section 6 is amended by adding thereto the following subsection:

Regulations
respecting
single
journey
permits

- (8) The Lieutenant Governor in Council may make regulations respecting the issuing of permits for motor vehicles or trailers that are to be driven, operated or drawn on highways for single journeys from specified points of commencement to specified destinations and prescribing fees to be paid therefor.

s. 8 (4),
amended

3. Subsection 4 of section 8 of the said Act is amended by striking out "and conversion unit" in the first line.

s. 9 (1) (b),
amended

- 4.—(1) Clause *b* of subsection 1 of section 9 of the said Act is amended by striking out "trailer or conversion unit" in the third line and inserting in lieu thereof "or trailer".

s. 9 (1) (c),
amended

- (2) Clause *c* of subsection 1 of the said section 9 is amended by striking out "trailer or conversion unit" in the second line and inserting in lieu thereof "or trailer".

s. 9 (1) (d),
amended

- (3) Clause *d* of subsection 1 of the said section 9 is amended by striking out "trailer or conversion unit" in the second line and in the third and fourth lines and inserting in lieu thereof in each instance "or trailer".

s. 9 (2),
amended

- (4) Subsection 2 of the said section 9 is amended by striking out "trailer or conversion unit" in the third line and inserting in lieu thereof "or trailer".

s. 10 (1),
amended

5. Subsection 1 of section 10 of the said Act is amended by striking out "trailer or conversion unit" in the third line and inserting in lieu thereof "or trailer".

s. 11,
amended

6. Section 11 of the said Act is amended by striking out "trailer or conversion unit" in the second line and inserting in lieu thereof "or trailer".

s. 12,
amended

7. Section 12 of the said Act is amended by adding thereto the following subsection:

Registration
of vehicles
of certain
non-residents

- (2a) Notwithstanding subsections 1 and 2, sections 6 and 8 and subsection 1 of section 10 apply to a motor vehicle owned

by a person who does not reside in Ontario that displays registration plates of a jurisdiction other than Ontario and that is,

- (a) based and operated in Ontario by such person; or
- (b) operated by a resident of Ontario for more than a thirty day period in any calendar year.

- 8.—(1) Subsection 1 of section 18 of the said Act is amended by ^{s. 18 (1),} inserting after “vehicle” in the second line “road-building ^{amended} machine”.
- (2) Subsection 2 of the said section 18 is amended by inserting ^{s. 18 (2),} after “vehicle” in the second line “road-building ^{amended} machine”.
- 9.—(1) Subsection 1 of section 20 of the said Act is amended by ^{s. 20 (1),} striking out “192, 193 or 207” in the second line and ^{amended} inserting in lieu thereof “203, 204 or 219”, by striking out “221” in the fourth line and inserting in lieu thereof “233” and by striking out “225” in the fourteenth line and inserting in lieu thereof “238”.
- (2) Subsection 3 of the said section 20 is amended by striking ^{s. 20 (3),} out “221 or section 222, 223 or 224” in the second line and ^{amended} inserting in lieu thereof “233 or section 234, 235 or 236”.
10. Subsection 1 of section 21 of the said Act is amended by striking ^{s. 21 (1),} out “221 or section 222, 223 or 224” in the second and third ^{amended} lines and inserting in lieu thereof “233 or section 234, 235 or 236” and by striking out “225” in the thirteenth line and inserting in lieu thereof “238”.
11. Section 23 of the said Act is amended by striking out “221” ^{s. 23,} in the second line and inserting in lieu thereof “233” and by ^{amended} striking out “225” in the thirteenth line and inserting in lieu thereof “238”.
12. Section 24 of the said Act is amended by striking out “225” in ^{s. 24,} the second line and inserting in lieu thereof “238”. ^{amended}
- 13.—(1) Subsection 1 of section 35 of the said Act is amended by ^{s. 35 (1),} striking out “parking station, parking lot or” in the second ^{amended} and third lines and by striking out “but this section does not apply to a temporary parking lot that is being operated for a period of not more than two consecutive weeks” in the sixth, seventh and eighth lines, so that the subsection shall read as follows:

Licence
respecting
wrecking or
dismantling
of vehicles

(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, used car lot or the wrecking or dismantling of vehicles without having been licensed so to do by the Ministry in respect of each separate premises used by him for the purpose of such business.

s. 35 (3),
amended

(2) Subsection 3 of the said section 35 is amended by striking out "parking station, parking lot or" in the second line and by striking out "\$50" in the fifth line and inserting in lieu thereof "\$500".

s. 35 (4),
amended

(3) Subsection 4 of the said section 35 is amended by striking out "parking station, parking lot or" in the fourth line.

s. 35 (6),
amended

(4) Subsection 6 of the said section 35 is amended by striking out "parking station, parking lot or" in the second line.

s. 35 (7),
amended

(5) Subsection 7 of the said section 35 is amended by striking out "parking station, parking lot or" in the third and fourth lines.

s. 37,
amended

14.—(1) Section 37 of the said Act is amended by adding thereto the following subsections:

Covering or
coating of
lamps
prohibited

(3a) No person shall operate or drive upon a highway a motor vehicle where either or both of the lamps that are required on the front of the vehicle by subsection 1 are coated or covered with a coloured material or lacquer or where either or both of the lamps have been modified by the attachment to the lamps or the motor vehicle of any device that reduces the effective area of the lenses or the intensity of the beam of the lamps.

Intermittent
red light
restricted

(11a) Subject to subsection 12, no person shall use a lamp, other than the signalling devices referred to in subsection 26 and the vehicular hazard warning signal lamps commonly known as four way flashers, that produce intermittent flashes of red light.

s. 37 (12),
amended

(2) Subsection 12 of the said section 37 is amended by striking out "or school bus" in the third line and inserting in lieu thereof "school bus or a vehicle operated by a conservation officer, fishery officer, provincial park officer or mine rescue training officer".

s. 46,
amended

15.—(1) Section 46 of the said Act is amended by adding thereto the following subsections:

Subsection 5. Self-explanatory.

SECTION 3. The amendment is complementary to the amendments to section 6 of the Act.

SECTION 4. The amendments are complementary to the amendments to section 6 of the Act.

SECTION 5. The amendment is complementary to the amendments to section 6 of the Act.

SECTION 6. The amendment is complementary to the amendments to section 6 of the Act.

SECTION 7. The amendment excludes certain vehicles from the exemption from registration in subsections 1 and 2 of section 12. A person not a resident of Ontario will be required to register a vehicle that is continuously used in Ontario or where the owner permits a person resident in Ontario to operate the vehicle in Ontario for a period exceeding 30 days in any year.

SECTION 8. The amendment will prohibit persons under the age of sixteen years from driving or operating road-building machinery on a highway.

SECTION 9. References to sections of the *Criminal Code* are changed to conform to the section numbers in the revised *Criminal Code*.

SECTION 10. References to sections of the *Criminal Code* are changed to conform to the section numbers in the revised *Criminal Code*.

SECTION 11. References to sections of the *Criminal Code* are changed to conform to the section numbers in the revised *Criminal Code*.

SECTION 12. The reference to a section of the *Criminal Code* is revised to conform to the section number of the revised *Criminal Code*.

SECTION 13. The section is amended to remove the provisions relating to licensing of parking stations and parking lots. The maximum penalty that may be imposed for carrying on the activities set out in section 35 (3) without a licence is increased to \$500.

(3a) The Lieutenant Governor in Council may make regulations, Regulations as to safety glass in vehicles

- (a) prescribing standards and specifications for safety glass used or intended to be used in a door, window or windshield of any motor vehicle;
- (b) providing for and requiring the marking and identification of safety glass used or intended to be used in a door, window or windshield of any motor vehicle.

(3b) Any regulation made under subsection 3a may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and may require compliance with any code or standard that is so adopted. Adoption of code by reference

(2) Subsection 4 of the said section 46 is amended by inserting after "section" in the second line "or of a regulation made under this section". s. 46 (4), amended

16. Section 47 of the said Act is amended by adding thereto the following subsection: s. 47, amended

(1a) No person shall drive a motor vehicle upon a highway where the surface of the windshield or of any window of the vehicle has been coated with any colour spray or other colour coating in such a manner as to obstruct the driver's view of the highway or any intersecting highway. Colour coating obstructing view prohibited

17. Section 53 of the said Act is amended by striking out "subsection" in the seventh line and inserting in lieu thereof "section" and by striking out "so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle" in the eighth, ninth and tenth lines and inserting in lieu thereof "object or device attached or coupled to the towing vehicle by means of a fifth wheel attachment". s. 53, amended

18.—(1) Subsection 2 of section 58 of the said Act is amended by striking out "1" in the fourth line and inserting in lieu thereof "2". s. 58 (2), amended

(2) Clause a of subsection 3 of the said section 58 is amended by striking out "subsection 4" in the first line and inserting in lieu thereof "subsections 4 and 4a". s. 58 (3) (a), amended

(3) Subsection 3 of the said section 58 is amended by striking out "as a motor mechanic" in the tenth and eleventh lines and inserting in lieu thereof "as a motor vehicle mechanic in the case of a motor vehicle other than a motorcycle or, in the case of a motorcycle, as a motorcycle mechanic". s. 58 (3), amended

s. 58,
amended

- (4) The said section 58 is amended by adding thereto the following subsection:

Exception

(4a) Subsection 3 does not apply to the transfer of a motor vehicle registered in Ontario that is transferred to the spouse of the owner of the vehicle, to the estate of the deceased owner of the vehicle, or from the deceased owner or the estate of the deceased owner to the deceased owner's spouse.

s. 60 (1),
amended

19. Subsection 1 of section 60 of the said Act is amended by adding thereto the following clause:

(c) prescribing standards or specifications for any vehicles or any class or classes thereof.

s. 63,
re-enacted

20. Section 63 of the said Act is repealed and the following substituted therefor:

Sale of new
vehicles
that do not
conform to
federal
standards
prohibited
R.S.C. 1970,
c. 26 (1st Supp.)

63.—(1) No person who deals in motor vehicles, trailers or conversion units shall sell or offer to sell a new motor vehicle, trailer or conversion unit manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada) or that does not bear the National Safety Mark referred to therein.

Penalty

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

s. 64 (7),
amended

21. Subsection 7 of section 64 of the said Act is amended by inserting after "4" in the second line "or of a regulation made by a by-law under subsection 8 or of a regulation made under subsection 9", so that the subsection, exclusive of the clauses, shall read as follows:

Penalty

(7) Every person who contravenes any of the provisions of subsection 2, 3 or 4 or of a regulation made by a by-law under subsection 8 or of a regulation made under subsection 9 is guilty of an offence and on summary conviction is liable to a fine of,

.

s. 66,
amended

22. Section 66 of the said Act is amended by adding thereto the following subsection:

Vehicles
exempt from
provisions of
subss. 4, 5

(5a) The provisions of subsections 4 and 5 do not apply to a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the

SECTION 14.—Subsection 1. The purpose of the new subsection 3*a* is to prohibit the application of coloured spray or other coloured coating to the head lamp lenses and to prohibit the use of any attachment that reduces the effective area of the lenses or the brightness of the light.

The purpose of the new subsection 11*a* is to limit the use of flashing red lights other than turn signals and four way flashers to emergency vehicles only.

Subsection 2. The amendment adds a vehicle driven by an officer in one of the named classifications to the list of vehicles permitted to carry a lamp that casts a red light to the front.

SECTION 15.—Subsection 1. Self-explanatory.

Subsection 2. Complementary to new subsections 3*a* and 3*b* of section 46 of the Act.

SECTION 16. Self-explanatory.

SECTION 17. The exception to the requirement of two means of attachment to the towing vehicle is amended so that only a trailer attached by a fifth wheel device is exempt from the requirement.

SECTION 18.—Subsection 1. The reference is corrected.

Subsection 2. Complimentary to subsection 4.

Subsection 3. Complementary to the trade classifications under *The Apprenticeship and Tradesmen's Qualification Act*.

highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway.

- 23.**—(1) Section 68 of the said Act is amended by adding thereto ^{s. 68, amended} the following subsection:

(2a) The Lieutenant Governor in Council may make ^{Regulations} regulations prescribing the manner of loading, covering and securing loads on vehicles or classes of vehicles operated on highways.

- (2) Subsection 3 of the said section 68 is amended by inserting ^{s. 68 (3), amended} after “section” in the second line “or of a regulation made under subsection 2a”.

- 24.**—(1) Subsection 3 of section 70 of the said Act is amended by ^{s. 70 (3), amended} striking out “public vehicle” in the first line and inserting in lieu thereof “bus”.

- (2) Subsection 7 of the section 70 is repealed and the ^{s. 70 (7), re-enacted} following substituted therefor:

(7) No bus, including load or contents, shall exceed the ^{Length of bus} length of 40 feet but an increase in the length of a bus caused by the addition of a liquid filled or other energy-absorbing bumper shall not be included in determining the length of the bus.

- 25.**—(1) Clause *j* of subsection 1 of section 71 of the said Act is ^{s. 71 (1) (j), re-enacted} repealed and the following substituted therefor:

(j) “triple axle” means any three consecutive axles that,

(i) have their consecutive centres equally spaced, and

(ii) have their consecutive centres more than 40 inches apart,

and that,

(iii) are articulated from an attachment to the vehicle common to the consecutive axles, or

(iv) are designed to equalize the load between the three axles under all conditions of loading.

- (2) The said section 71 is amended by adding thereto the ^{s. 71, amended} following subsections:

Where three
consecutive
axles not
equally
spaced

(1a) Where three consecutive axles that are articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause *j* of subsection 1 because their consecutive centres are not equally spaced, that one of the three consecutive axles that is most remote from the centre axle of the consecutive axles shall be deemed to be a single axle and the other two axles shall be deemed to be a dual axle.

Idem

(1b) Where three consecutive axles that are not articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause *j* of subsection 1 because their consecutive centres are not equally spaced, any two of the axles that are articulated from an attachment to the vehicle common to the two axles shall be deemed to be a dual axle and the third of the three axles shall be deemed to be a single axle.

s. 74 (2),
amended

26. Subsection 2 of section 74 of the said Act is amended by striking out

“ W_m is the axle group weight limit

B_m is the equivalent base length of the axle group

b is the base length, being the distance between the extreme axle of an axle group”

in the eighth, ninth, tenth and eleventh lines and inserting in lieu thereof

“ W_m is the axle group weight limit in thousands of pounds

B_m is the equivalent base length of the axle group in feet

b is the base length, being the distance between the extreme axles of an axle group in feet”.

s. 77,
amended

27.—(1) Section 77 of the said Act is amended by adding thereto the following subsections:

Conversion
unit

(2a) Notwithstanding subsection 1 and subject to section 73 where a conversion unit is used to convert a two axle truck-tractor into a three axle truck-tractor and the fee prescribed by the regulations has been paid, the vehicle or combination of vehicles may have on a highway a gross weight that exceeds by not more than 15,000 pounds the maximum gross weight for which the vehicle or combination of vehicles was registered and for which a permit was issued under this Act.

Subsection 4. Self-explanatory.

SECTION 19. Self-explanatory.

SECTION 20. Subsection 1 is amended to include references to trailers and conversion units. The new subsection 2 provides a separate penalty for contravention of subsection 1.

SECTION 21. Subsection 8 of section 64 of the Act provides that a municipality may by by-law limit the gross weight of vehicles on a bridge and subsection 9 provides that the Lieutenant Governor in Council may by regulation limit the gross weight of vehicles on a bridge in territory without municipal organization. The amendment provides for an offence and a penalty for contravention of a by-law or a regulation made under subsection 8 or 9 of the section.

SECTION 22. Subsections 4 and 5, referred to in the new subsection 5a, are the half-load provisions of section 66 of the Act.

SECTION 23. Self-explanatory.

SECTION 24. Self-explanatory.

SECTION 25. The interpretation provisions relating to triple axles are extended and clarified.

(2b) Where additional weight of not more than 15,000 pounds is carried in accordance with subsection 2a, the receipt issued by the Ministry for the fee paid in respect of the gross weight in excess of that for which the permit was issued shall be carried by the driver of the vehicle or placed in some readily accessible place in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

Conversion
unit,
production
of receipt
for payment
of fee

R.S.O. 1970,
c. 375

(5a) The provisions of subsections 4 and 5 do not apply to a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway.

Vehicles
exempt from
provisions of
subss. 4, 5

(2) Subsection 6 of the said section 77 is amended by inserting after "1" in the second line "2b".

s. 77 (6),
amended

28.—(1) Table 1 to Part VII of the said Act is amended by striking out "40 or less" in Column One and by striking out "20,000" in Column Two.

Part VII,
Table 1,
amended

(2) Table 2 to the said Part VII is amended by striking out "80 or less" in Column One and by striking out "35,000" in Column Two.

Part VII,
Table 2,
amended

29. Subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

s. 106 (1),
re-enacted

(1) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle or public utility emergency vehicle upon which a bell or siren is sounding or a lamp located on the roof of a vehicle is producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill,

Fire
department
vehicles, etc.,
approaching

(a) as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection; or

(b) when on a roadway having more than two lanes for traffic and designated for the use of one-way traffic, as near as is practicable to the nearest curb or edge of the roadway and parallel therewith and clear of any intersection.

s. 154 (1) (a),
amended

30.—(1) Clause *a* of subsection 1 of section 154 of the said Act is amended by striking out “222 or subsection 3 of section 225” in the second line and inserting in lieu thereof “234 or subsection 3 of section 238”.

s. 154 (1) (b),
amended

(2) Clause *b* of subsection 1 of the said section 154 is amended by striking out “221” in the first line and inserting in lieu thereof “233”.

Commence-
ment

31.—(1) This Act, except sections 8 and 13, subsection 1 of section 14 and sections 16, 25 and 29, comes into force on the day it receives Royal Assent.

Idem

(2) Section 8, subsection 1 of section 14 and section 16, 25 and 29 come into force on the 30th day of September, 1973.

Idem

(3) Section 13 comes into force on the 1st day of January, 1974.

Short title

32. This Act may be cited as *The Highway*Traffic Amendment Act, 1973*.

SECTION 26. The terms are redefined for greater clarity.

SECTION 27.—Subsection 1. Subsection 2*a* provides for an additional gross weight of not more than 15,000 pounds when a vehicle uses a conversion unit and an additional fee has been paid.

Subsection 2*b* requires the driver of a vehicle that uses a conversion unit to carry the receipt for payment of the fee in respect of the additional gross weight allowed with use of the conversion unit and to produce the receipt on demand by a constable or other officer.

Subsection 5*a* is complementary to section 66 (5*a*).

Subsection 2. The amendment provides that contravention of subsection 2*b* is an offence and provides for a fine upon summary conviction.

SECTION 28. The tables are amended to conform to the definitions of dual and triple axles.

SECTION 29. The rule requiring the driver of a vehicle to move to the side of the road on the approach of an emergency vehicle is extended to provide for vehicles on one-way roadways.

SECTION 30. References to sections of the *Criminal Code* are changed to conform to the revised *Criminal Code*.

An Act to amend
The Highway Traffic Act

1st Reading

May 25th, 1973

2nd Reading

3rd Reading

THE HON. G. CARTON
Minister of Transportation and
Communications

(Government Bill)

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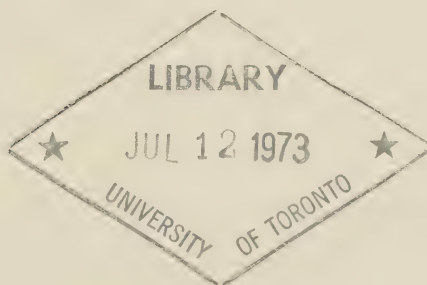
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BILL 124

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

THE HON. G. CARTON
Minister of Transportation and Communications



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act*, <sup>s. 1 (1),
amended</sup> being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:
 - 1a. “bus” means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons.
 - (2) Paragraph 15 of subsection 1 of the said section 1 is repealed <sup>s. 1 (1), par. 15,
re-enacted</sup> and the following substituted therefor:
 15. “Minister” means the Minister of Transportation and Communications;
 - 15a. “Ministry” means the Ministry of Transportation and Communications;
 - 15b. “mobile home” means a vehicle, other than a motor vehicle, that is designed and used as a residence or working accommodation unit and exceeds 102 inches in width or 35 feet in length.
 - (3) Paragraph 34 of subsection 1 of the said section 1 is <sup>s. 1 (1), par. 34,
amended</sup> amended by inserting after “husbandry” in the third line “a mobile home”.
- 2.—(1) Subsection 1 of section 6 of the said Act is amended by <sup>s. 6 (1),
amended</sup> striking out “trailer or conversion unit” in the first and second lines and in the fifth line and inserting in lieu thereof in each instance “or trailer”.
 - (2) Subsection 3 of the said section 6 is amended by striking <sup>s. 6 (3),
amended</sup> out “trailer or conversion unit” in the first and second lines and in the third line and inserting in lieu thereof in each instance “or trailer”.

s. 6 (4),
amended

- (3) Subsection 4 of the said section 6 is amended by striking out "trailer or conversion unit" in the third line and in the eighth line and inserting in lieu thereof in each instance "or trailer".

s. 6 (5),
amended

- (4) Subsection 5 of the said section 6 is amended by striking out "trailers or conversion units" in the second line and inserting in lieu thereof "or trailers".

s. 6,
amended

- (5) The said section 6 is amended by adding thereto the following subsection:

Regulations
respecting
single
journey
permits

- (8) The Lieutenant Governor in Council may make regulations respecting the issuing of permits for motor vehicles or trailers that are to be driven, operated or drawn on highways for single journeys from specified points of commencement to specified destinations and prescribing fees to be paid therefor.

s. 8 (4),
amended

3. Subsection 4 of section 8 of the said Act is amended by striking out "and conversion unit" in the first line.

s. 9 (1) (b),
amended

- 4.—(1) Clause *b* of subsection 1 of section 9 of the said Act is amended by striking out "trailer or conversion unit" in the third line and inserting in lieu thereof "or trailer".

s. 9 (1) (c),
amended

- (2) Clause *c* of subsection 1 of the said section 9 is amended by striking out "trailer or conversion unit" in the second line and inserting in lieu thereof "or trailer".

s. 9 (1) (d),
amended

- (3) Clause *d* of subsection 1 of the said section 9 is amended by striking out "trailer or conversion unit" in the second line and in the third and fourth lines and inserting in lieu thereof in each instance "or trailer".

s. 9 (2),
amended

- (4) Subsection 2 of the said section 9 is amended by striking out "trailer or conversion unit" in the third line and inserting in lieu thereof "or trailer".

s. 10 (1),
amended

5. Subsection 1 of section 10 of the said Act is amended by striking out "trailer or conversion unit" in the third line and inserting in lieu thereof "or trailer".

s. 11,
amended

6. Section 11 of the said Act is amended by striking out "trailer or conversion unit" in the second line and inserting in lieu thereof "or trailer".

s. 12,
amended

7. Section 12 of the said Act is amended by adding thereto the following subsection:

Registration
of vehicles
of certain
non-residents

- (2a) Notwithstanding subsections 1 and 2, sections 6 and 8 and subsection 1 of section 10 apply to a motor vehicle owned

by a person who does not reside in Ontario that displays registration plates of a jurisdiction other than Ontario and that is,

- (a) based and operated in Ontario by such person; or
- (b) operated by a resident of Ontario for more than a thirty day period in any calendar year.

- 8.**—(1) Subsection 1 of section 18 of the said Act is amended by ^{s. 18 (1),} inserting after “vehicle” in the second line “road-building ^{amended} machine”.
- (2) Subsection 2 of the said section 18 is amended by inserting ^{s. 18 (2),} after “vehicle” in the second line “road-building machine”.
- 9.**—(1) Subsection 1 of section 20 of the said Act is amended by ^{s. 20 (1),} striking out “192, 193 or 207” in the second line and ^{amended} inserting in lieu thereof “203, 204 or 219”, by striking out “221” in the fourth line and inserting in lieu thereof “233” and by striking out “225” in the fourteenth line and inserting in lieu thereof “238”.
- (2) Subsection 3 of the said section 20 is amended by striking ^{s. 20 (3),} out “221 or section 222, 223 or 224” in the second line and ^{amended} inserting in lieu thereof “233 or section 234, 235 or 236”.
- 10.** Subsection 1 of section 21 of the said Act is amended by striking ^{s. 21 (1),} out “221 or section 222, 223 or 224” in the second and third ^{amended} lines and inserting in lieu thereof “233 or section 234, 235 or 236” and by striking out “225” in the thirteenth line and inserting in lieu thereof “238”.
- 11.** Section 23 of the said Act is amended by striking out “221” ^{s. 23,} in the second line and inserting in lieu thereof “233” and by ^{amended} striking out “225” in the thirteenth line and inserting in lieu thereof “238”.
- 12.** Section 24 of the said Act is amended by striking out “225” in ^{s. 24,} the second line and inserting in lieu thereof “238”. ^{amended}
- 13.**—(1) Subsection 1 of section 35 of the said Act is amended by ^{s. 35 (1),} striking out “parking station, parking lot or” in the second ^{amended} and third lines and by striking out “but this section does not apply to a temporary parking lot that is being operated for a period of not more than two consecutive weeks” in the sixth, seventh and eighth lines, so that the subsection shall read as follows:

Licence
respecting
wrecking or
dismantling
of vehicles

(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, used car lot or the wrecking or dismantling of vehicles without having been licensed so to do by the Ministry in respect of each separate premises used by him for the purpose of such business.

s. 35 (3),
amended

(2) Subsection 3 of the said section 35 is amended by striking out "parking station, parking lot or" in the second line and by striking out "\$50" in the fifth line and inserting in lieu thereof "\$500".

s. 35 (4),
amended

(3) Subsection 4 of the said section 35 is amended by striking out "parking station, parking lot or" in the fourth line.

s. 35 (6),
amended

(4) Subsection 6 of the said section 35 is amended by striking out "parking station, parking lot or" in the second line.

s. 35 (7),
amended

(5) Subsection 7 of the said section 35 is amended by striking out "parking station, parking lot or" in the third and fourth lines.

s. 37,
amended

14.—(1) Section 37 of the said Act is amended by adding thereto the following subsections:

Covering or
coating of
lamps
prohibited

(3a) No person shall operate or drive upon a highway a motor vehicle where either or both of the lamps that are required on the front of the vehicle by subsection 1 are coated or covered with a coloured material or lacquer or where either or both of the lamps have been modified by the attachment to the lamps or the motor vehicle of any device that reduces the effective area of the lenses or the intensity of the beam of the lamps.

.

Intermittent
red light
restricted

(11a) Subject to subsection 12, no person shall use a lamp, other than the signalling devices referred to in subsection 26 and the vehicular hazard warning signal lamps commonly known as four way flashers, that produce intermittent flashes of red light.

s. 37 (12),
amended

(2) Subsection 12 of the said section 37 is amended by striking out "or school bus" in the third line and inserting in lieu thereof "school bus or a vehicle operated by a conservation officer, fishery officer, provincial park officer or mine rescue training officer".

s. 46,
amended

15.—(1) Section 46 of the said Act is amended by adding thereto the following subsections:

(3a) The Lieutenant Governor in Council may make regulations, Regulations as to safety glass in vehicles

(a) prescribing standards and specifications for safety glass used or intended to be used in a door, window or windshield of any motor vehicle;

(b) providing for and requiring the marking and identification of safety glass used or intended to be used in a door, window or windshield of any motor vehicle.

(3b) Any regulation made under subsection 3a may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and may require compliance with any code or standard that is so adopted. Adoption of code by reference

(2) Subsection 4 of the said section 46 is amended by inserting s. 46 (4), amended after "section" in the second line "or of a regulation made under this section".

16. Section 47 of the said Act is amended by adding thereto the following subsection: s. 47, amended

(1a) No person shall drive a motor vehicle upon a highway where the surface of the windshield or of any window of the vehicle has been coated with any colour spray or other colour coating in such a manner as to obstruct the driver's view of the highway or any intersecting highway. Colour coating obstructing view prohibited

17. Section 53 of the said Act is amended by striking out "subsection" in the seventh line and inserting in lieu thereof "section" and by striking out "so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle" in the eighth, ninth and tenth lines and inserting in lieu thereof "object or device attached or coupled to the towing vehicle by means of a fifth wheel attachment". s. 53, amended

18.—(1) Subsection 2 of section 58 of the said Act is amended by striking out "1" in the fourth line and inserting in lieu thereof "2". s. 58 (2), amended

(2) Clause a of subsection 3 of the said section 58 is amended by striking out "subsection 4" in the first line and inserting in lieu thereof "subsections 4 and 4a". s. 58 (3) (a), amended

(3) Subsection 3 of the said section 58 is amended by striking out "as a motor mechanic" in the tenth and eleventh lines and inserting in lieu thereof "as a motor vehicle mechanic in the case of a motor vehicle other than a motorcycle or, in the case of a motorcycle, as a motorcycle mechanic". s. 58 (3), amended

s. 58,
amended

- (4) The said section 58 is amended by adding thereto the following subsection:

Exception

(4a) Subsection 3 does not apply to the transfer of a motor vehicle registered in Ontario that is transferred to the spouse of the owner of the vehicle, to the estate of the deceased owner of the vehicle, or from the deceased owner or the estate of the deceased owner to the deceased owner's spouse.

s. 60 (1),
amended

19. Subsection 1 of section 60 of the said Act is amended by adding thereto the following clause:

(c) prescribing standards or specifications for any vehicles or any class or classes thereof.

s. 63,
re-enacted

20. Section 63 of the said Act is repealed and the following substituted therefor:

Sale of new
vehicles
that do not
conform to
federal
standards
prohibited
R.S.C. 1970,
c. 26 (1st Supp.)

63.—(1) No person who deals in motor vehicles, trailers or conversion units shall sell or offer to sell a new motor vehicle, trailer or conversion unit manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada) or that does not bear the National Safety Mark referred to therein.

Penalty

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

s. 64 (7),
amended

21. Subsection 7 of section 64 of the said Act is amended by inserting after "4" in the second line "or of a regulation made by a by-law under subsection 8 or of a regulation made under subsection 9", so that the subsection, exclusive of the clauses, shall read as follows:

Penalty

(7) Every person who contravenes any of the provisions of subsection 2, 3 or 4 or of a regulation made by a by-law under subsection 8 or of a regulation made under subsection 9 is guilty of an offence and on summary conviction is liable to a fine of,

s. 66,
amended

22. Section 66 of the said Act is amended by adding thereto the following subsection:

Vehicles
exempt from
provisions of
subss. 4, 5

(5a) The provisions of subsections 4 and 5 do not apply to a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the

highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway.

- 23.—(1) Section 68 of the said Act is amended by adding thereto ^{s. 68, amended} the following subsection:

(2a) The Lieutenant Governor in Council may make ^{Regulations} regulations prescribing the manner of loading, covering and securing loads on vehicles or classes of vehicles operated on highways.

- (2) Subsection 3 of the said section 68 is amended by inserting ^{s. 68 (3), amended} after “section” in the second line “or of a regulation made under subsection 2a”.

- 24.—(1) Subsection 3 of section 70 of the said Act is amended by ^{s. 70 (3), amended} striking out “public vehicle” in the first line and inserting in lieu thereof “bus”.

- (2) Subsection 7 of the section 70 is repealed and the ^{s. 70 (7), re-enacted} following substituted therefor:

(7) No bus, including load or contents, shall exceed the ^{Length of bus} length of 40 feet but an increase in the length of a bus caused by the addition of a liquid filled or other energy-absorbing bumper shall not be included in determining the length of the bus.

- 25.—(1) Clause *j* of subsection 1 of section 71 of the said Act is ^{s. 71 (1) (j), re-enacted} repealed and the following substituted therefor:

(j) “triple axle” means any three consecutive axles that,

(i) have their consecutive centres equally spaced, and

(ii) have their consecutive centres more than 40 inches apart,

and that,

(iii) are articulated from an attachment to the vehicle common to the consecutive axles, or

(iv) are designed to equalize the load between the three axles under all conditions of loading.

- (2) The said section 71 is amended by adding thereto the ^{s. 71, amended} following subsections:

Where three
consecutive
axles not
equally
spaced

(1a) Where three consecutive axles that are articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause *j* of subsection 1 because their consecutive centres are not equally spaced, that one of the three consecutive axles that is most remote from the centre axle of the consecutive axles shall be deemed to be a single axle and the other two axles shall be deemed to be a dual axle.

Idem

(1b) Where three consecutive axles that are not articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause *j* of subsection 1 because their consecutive centres are not equally spaced, any two of the axles that are articulated from an attachment to the vehicle common to the two axles shall be deemed to be a dual axle and the third of the three axles shall be deemed to be a single axle.

s. 74 (2),
amended

26. Subsection 2 of section 74 of the said Act is amended by striking out

“ W_m is the axle group weight limit

B_m is the equivalent base length of the axle group

b is the base length, being the distance between the extreme axle of an axle group”

in the eighth, ninth, tenth and eleventh lines and inserting in lieu thereof

“ W_m is the axle group weight limit in thousands of pounds

B_m is the equivalent base length of the axle group in feet

b is the base length, being the distance between the extreme axles of an axle group in feet”.

s. 77,
amended

27.—(1) Section 77 of the said Act is amended by adding thereto the following subsections:

Conversion
unit

(2a) Notwithstanding subsection 1 and subject to section 73 where a conversion unit is used to convert a two axle truck-tractor into a three axle truck-tractor and the fee prescribed by the regulations has been paid, the vehicle or combination of vehicles may have on a highway a gross weight that exceeds by not more than 15,000 pounds the maximum gross weight for which the vehicle or combination of vehicles was registered and for which a permit was issued under this Act.

(2b) Where additional weight of not more than 15,000 pounds is carried in accordance with subsection 2a, the receipt issued by the Ministry for the fee paid in respect of the gross weight in excess of that for which the permit was issued shall be carried by the driver of the vehicle or placed in some readily accessible place in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

Conversion
unit,
production
of receipt
for payment
of fee

R.S.O. 1970,
c. 375

(5a) The provisions of subsections 4 and 5 do not apply to a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway.

Vehicles
exempt from
provisions of
subss. 4, 5

(2) Subsection 6 of the said section 77 is amended by inserting after "1" in the second line "2b".

s. 77 (6),
amended

28.—(1) Table 1 to Part VII of the said Act is amended by striking out "40 or less" in Column One and by striking out "20,000" in Column Two.

Part VII,
Table 1,
amended

(2) Table 2 to the said Part VII is amended by striking out "80 or less" in Column One and by striking out "35,000" in Column Two.

Part VII,
Table 2,
amended

29. Subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

s. 106 (1),
re-enacted

(1) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle or public utility emergency vehicle upon which a bell or siren is sounding or a lamp located on the roof of a vehicle is producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill,

Fire
department
vehicles, etc.,
approaching

(a) as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection; or

(b) when on a roadway having more than two lanes for traffic and designated for the use of one-way traffic, as near as is practicable to the nearest curb or edge of the roadway and parallel therewith and clear of any intersection.

s. 154 (1) (a),
amended

30.—(1) Clause *a* of subsection 1 of section 154 of the said Act is amended by striking out “222 or subsection 3 of section 225” in the second line and inserting in lieu thereof “234 or subsection 3 of section 238”.

s. 154 (1) (b),
amended

(2) Clause *b* of subsection 1 of the said section 154 is amended by striking out “221” in the first line and inserting in lieu thereof “233”.

Commence-
ment

31.—(1) This Act, except sections 8 and 13, subsection 1 of section 14 and sections 16, 25 and 29, comes into force on the day it receives Royal Assent.

Idem

(2) Section 8, subsection 1 of section 14 and sections 16, 25 and 29 come into force on the 30th day of September, 1973.

Idem

(3) Section 13 comes into force on the 1st day of January, 1974.

Short title

32. This Act may be cited as *The Highway Traffic Amendment Act, 1973*.

An Act to amend
The Highway Traffic Act

1st Reading

May 25th, 1973

2nd Reading

June 5th, 1973

3rd Reading

June 5th, 1973

THE HON. G. CARTON
Minister of Transportation and
Communications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Conservation Authorities Act**

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for notice to land owners where an authority files regulations to control fill and construction of waterways under its jurisdiction. The amendment also provides for registration of a copy of the regulation on title in the proper land registry office.

An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 27 of *The Conservation Authorities Act*, being chapter 78^{s. 27, amended} of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 64, section 5, is further amended by adding thereto the following subsections:

(1a) For the purposes of this section, "service" may be ^{Service} personal service or service by registered mail addressed to the person to be served at his last known address, or if that person or his address is unknown, by publication once a week for three weeks in a newspaper having general circulation in the locality in which the land concerned is situate and service shall be deemed to be made,

- (a) in the case of service by registered mail, on the second day after the day of mailing; and
- (b) in the case of service by publication, on the date of the third publication.

(1b) Where an authority makes a regulation under clause ^{Registration and notice} e or f of subsection 1, the authority shall,

- (a) register, within twenty-four hours after filing the regulation in the proper land registry office a copy of the regulation signed by the authority; and
- (b) serve a copy of the regulation signed by the authority,

upon each owner whose lands are the subject of the regulation and shall publish a copy of the regulation once a week for three consecutive weeks in a newspaper having general circulation in the locality in which the lands which are the subject of the regulation are situate.

Presumption
as to
signing

(1c) Where a regulation purports to have been signed by an authority under this section, it shall be presumed to have been signed by the authority without proof of the signature or official character of the person appearing to have signed it, unless otherwise directed by a court.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Conservation Authorities Amendment Act, 1973*.

BILL 125

An Act to amend
The Conservation Authorities Act

1st Reading

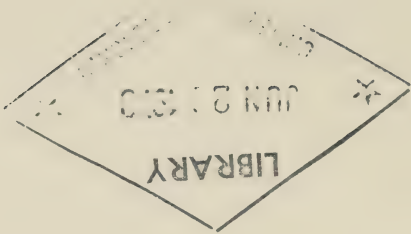
May 31st, 1973

2nd Reading

3rd Reading

MR. KENNEDY

(Private Member's Bill)



CA20N

XB

-B56

BILL 126

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Workmen's Compensation Act**

THE HON. F. GUINDON
Minister of Labour



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The burial allowance is increased from \$400 to \$500.

The amount of compensation pensions payable to widows is increased from \$175 to \$250 per month, and to children increased by \$10 a month for each child.

The over-all minimum payable to a widow and three or more children is increased from \$355 to \$460 a month, and to other dependants from \$150 to \$250 a month.

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a*, clauses *c*, *d* and *e* as re-enacted by the Statutes of ^{s. 36 (1)} Ontario, 1971, chapter 62, section 1, and clause *f* of sub-^{(a, c-f),}re-enacted section 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

- (a) the necessary expenses of the burial or cremation of the workman, not exceeding \$500;
-
- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$250;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$250, with an additional monthly payment of \$70 to be increased upon the death of the widow or an invalid husband to \$80 for each child under the age of sixteen years;
- (e) where the dependants are children, a monthly payment of \$80 to each child under the age of sixteen years;
- (f) where the dependants are persons other than those mentioned in clauses *c*, *d* and *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole \$250 per month.

- (2) Clauses *a*, *b* and *c* of subsection 5 of the said section 36, ^{s. 36 (5) (a-c),}re-enacted as re-enacted by the Statutes of Ontario, 1971, chapter 62,

section 1, are repealed and the following substituted therefor:

- (a) where the widow or an invalid husband is the sole dependant, \$250;
- (b) where the dependants are a widow or an invalid husband and one or more children, \$250 for the widow or an invalid husband with a further payment of \$70, to be increased on the death of the widow or an invalid husband to \$80, for each child, not exceeding in the whole \$460; or
- (c) where the dependants are children, \$80 to each child, not exceeding in the whole \$460.

Appli-
cation
of subss. 1, 2

- (3) Subsections 1 and 2 apply to monthly payments coming due on or after the 1st day of July, 1973, whether the accident occurred before or after that date and whether the award of compensation was made before or after that date, and subsections 1 and 2 do not apply to payments due prior to the 1st day of July, 1973.

s. 43,
re-enacted

- 2. Section 43 of the said Act is repealed and the following substituted therefor:

Minimum
amount of
compen-
sation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than,

- (a) for temporary total disability,
 - (i) where his average earnings are not less than \$55 a week, \$55 a week, and
 - (ii) where his average earnings are less than \$55 a week, the amount of such earnings,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

- (b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,
 - (i) for permanent total disability \$250 a month, and

SECTION 2. The minimum rate of compensation for temporary total disability is raised from \$40 per week, or actual earnings if less, to \$55 per week.

The minimum pension for permanent total disability is increased from \$175 to \$250 a month, with a proportionate increase for permanent partial disability.

SECTION 3. Self-explanatory.

SECTION 4.,The earnings ceiling for compensation is increased from \$9,000 to \$10,000.

SECTION 5. Self-explanatory.

SECTION 6. This extends the scope of interprovincial agreements on silicosis to apply to workmen who are now excluded because they do not meet the residence and exposure requirements in any one province.

- (ii) for permanent partial disability, an amount proportionate to that referred to in subclause i in accordance with the impairment of earning capacity.

3. Section 43 of the said Act, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1973*, applies to all pension payments accruing on or after the 1st day of July, 1973, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in section 43 entitles any person to claim additional compensation for any period prior to the 1st day of July, 1973. Application of s. 43

4.—(1) Subsection 1 of section 44 of the said Act, as amended s. 44 (1), amended by the Statutes of Ontario, 1971, chapter 62, section 2, is further amended by striking out "\$9,000" in the amendment of 1971 and inserting in lieu thereof "\$10,000".

(2) Subsection 1 applies only for the purposes of computing average earnings in respect of accidents occurring on or after the 1st day of July, 1973. Application of subs. 1

5. Section 72 of the said Act is amended by adding thereto the following subsection: s. 72, amended

(5) The proceedings and decisions of the Board shall not be subject to or affected in any way by *The Statutory Powers Procedure Act, 1971*, or by any rules made under it, and the provisions of *The Workmen's Compensation Act* and the regulations made thereunder shall prevail, notwithstanding anything contained in the said *Statutory Powers Procedure Act, 1971* or rules made under it. Non-application of 1971, c. 47 R.S.O. 1970, c. 505

6. Subsection 11 of section 118 of the said Act is repealed and the following substituted therefor: s. 118 (11), re-enacted

(11) Notwithstanding any other provision in this Act, the Board may enter into an agreement with the appropriate authority in any other province or territory of Canada to provide for the sharing of costs of silicosis claims in proportion to exposure or estimated exposure to silica dust, for workmen who have had exposure employment in Ontario and who may not qualify for benefits in any other province or territory of Canada because of residence or exposure requirements. Agreements for sharing costs of silicosis claims

7. This Act comes into force on the 1st day of July, 1973. Commencement

8. This Act may be cited as *The Workmen's Compensation Amendment Act, 1973*. Short title

An Act to amend
The Workmen's Compensation Act

1st Reading

May 31st, 1973

2nd Reading

3rd Reading

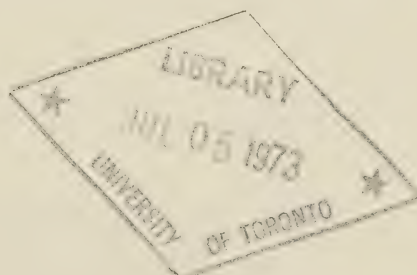
THE HON. F. GUINDON
Minister of Labour

(Government Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Workmen's Compensation Act**

THE HON. F. GUINDON
Minister of Labour



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a*, clauses *c*, *d* and *e* as re-enacted by the Statutes of s. 36 (1) Ontario, 1971, chapter 62, section 1, and clause *f* of sub-^{(a, c-f),}re-enacted section 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

- (a) the necessary expenses of the burial or cremation of the workman, not exceeding \$500;
-
- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$250;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$250, with an additional monthly payment of \$70 to be increased upon the death of the widow or an invalid husband to \$80 for each child under the age of sixteen years;
- (e) where the dependants are children, a monthly payment of \$80 to each child under the age of sixteen years;
- (f) where the dependants are persons other than those mentioned in clauses *c*, *d* and *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole \$250 per month.

- (2) Clauses *a*, *b* and *c* of subsection 5 of the said section 36, ^{s. 36 (5) (a-c),}re-enacted as re-enacted by the Statutes of Ontario, 1971, chapter 62,

section 1, are repealed and the following substituted therefor:

- (a) where the widow or an invalid husband is the sole dependant, \$250;
- (b) where the dependants are a widow or an invalid husband and one or more children, \$250 for the widow or an invalid husband with a further payment of \$70, to be increased on the death of the widow or an invalid husband to \$80, for each child, not exceeding in the whole \$460; or
- (c) where the dependants are children, \$80 to each child, not exceeding in the whole \$460.

Appli-
cation
of subss. 1, 2

- (3) Subsections 1 and 2 apply to monthly payments coming due on or after the 1st day of July, 1973, whether the accident occurred before or after that date and whether the award of compensation was made before or after that date, and subsections 1 and 2 do not apply to payments due prior to the 1st day of July, 1973.

s. 43,
re-enacted

- 2. Section 43 of the said Act is repealed and the following substituted therefor:

Minimum
amount of
compen-
sation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than,

(a) for temporary total disability,

(i) where his average earnings are not less than \$55 a week, \$55 a week, and

(ii) where his average earnings are less than \$55 a week, the amount of such earnings,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,

(i) for permanent total disability \$250 a month, and

- (ii) for permanent partial disability, an amount proportionate to that referred to in subclause i in accordance with the impairment of earning capacity.

3. Section 43 of the said Act, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1973*, applies to all pension payments accruing on or after the 1st day of July, 1973, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in section 43 entitles any person to claim additional compensation for any period prior to the 1st day of July, 1973. Application of s. 43

4.—(1) Subsection 1 of section 44 of the said Act, as amended s. 44 (1), amended by the Statutes of Ontario, 1971, chapter 62, section 2, is further amended by striking out "\$9,000" in the amendment of 1971 and inserting in lieu thereof "\$10,000".

(2) Subsection 1 applies only for the purposes of computing average earnings in respect of accidents occurring on or after the 1st day of July, 1973. Application of subs. 1

5. Section 72 of the said Act is amended by adding thereto the following subsection: s. 72, amended

(5) The proceedings and decisions of the Board shall not be subject to or affected in any way by *The Statutory Powers Procedure Act, 1971*, or by any rules made under it, and the provisions of *The Workmen's Compensation Act* and the regulations made thereunder shall prevail, notwithstanding anything contained in the said *Statutory Powers Procedure Act, 1971* or rules made under it. Non-application of 1971, c. 47 R.S.O. 1970, s. 505

6. Subsection 11 of section 118 of the said Act is repealed and the following substituted therefor: s. 118 (1), re-enacted

(11) Notwithstanding any other provision in this Act, the Board may enter into an agreement with the appropriate authority in any other province or territory of Canada to provide for the sharing of costs of silicosis claims in proportion to exposure or estimated exposure to silica dust, for workmen who have had exposure employment in Ontario and who may not qualify for benefits in any other province or territory of Canada because of residence or exposure requirements. Agreements for sharing costs of silicosis claims

7. This Act comes into force on the 1st day of July, 1973. Commencement

8. This Act may be cited as *The Workmen's Compensation Amendment Act, 1973*. Short title

An Act to amend
The Workmen's Compensation Act

1st Reading

May 31st, 1973

2nd Reading

June 6th, 1973

3rd Reading

June 7th, 1973

THE HON. F. GUNDON
Minister of Labour

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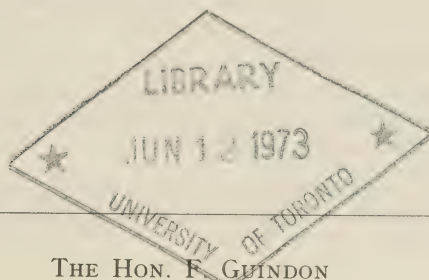
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BILL 127

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

The Construction Safety Act, 1973



THE HON. F. GUINDON
Minister of Labour

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill is a re-enactment of *The Construction Safety Act*. The principal changes include:

1. the appointment of inspectors under *The Public Service Act* or by certain municipalities.
2. the transfer of responsibility for the enforcement of the Act and the regulations from municipal organizations to the Ministry of Labour or certain municipalities.
3. the incorporation in the Act of certain content in *The Trench Excavators' Protection Act* and *The Ministry of Labour Act* (provisions relating to underground workers);
4. a revision of administrative procedures and appeals to carry out some of the recommendations in the Royal Commission into Civil Rights.

BILL 127

1973

The Construction Safety Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "caisson" means a casing being sunk or constructed below ground or water level whether or not it is designed to contain air above atmospheric pressure, and includes an excavation drilled by an auger into which a workman enters or is required to enter to work, but does not include a water well or a well within the meaning of *The Petroleum Resources Act*, 1971, c. 94 1971;
- (b) "cofferdam" means a structure constructed all or in part below water level or below the level of the water table in the ground and intended to provide a water-tight place in which to work;
- (c) "conduit" means,
 - (i) a sewer,
 - (ii) a water main,
 - (iii) a duct or cable for a telegraphic, telephonic or electrical service,
 - (iv) a pipe or duct for the transportation of any solid, liquid or gas, or
 - (v) any combination of i, ii, iii, or iv,

and includes any service connection made or intended to be made thereto;

- (d) "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
- (e) "constructor" means,
 - (i) a person who contracts with any person to undertake all the work on a project, or
 - (ii) an owner who contracts with more than one person for parts of the work on a project, or undertakes all or part of the work on a project himself;
- (f) "Deputy Minister" means the Deputy Minister of Labour;
- (g) "Director" means the officer of the Ministry of Labour designated by the Deputy Minister as Director for the purposes of this Act;
- (h) "employer" means a person who employs one or more workmen and includes a person who is self-employed;
- (i) "inspector" means an inspector appointed for the purposes of this Act, and includes the Director;
- (j) "Minister" means the Minister of Labour;
- (k) "municipality" means,
 - (i) a metropolitan or regional municipality within the meaning of any Act to establish a metropolitan or regional municipality, or
 - (ii) a city, not being an area municipality situate within a metropolitan or regional municipality, and having a population of not less than 100,000 as determined by a census of the municipality taken under section 23 of *The Assessment Act*;
- (l) "owner" includes a tenant or person for whose direct benefit a project exists upon its completion;
- (m) "professional engineer" means a person registered as a professional engineer or a person who is licensed

to practise as a professional engineer under *The Professional Engineers Act*; R.S.O. 1970,
c. 366

(n) "project" means,

- (i) a residential, industrial, institutional, commercial, hotel, office or other building, or any part thereof,
- (ii) a bridge, silo, chimney, earth retaining structure, water control structure, dock, material handling structure, elevating or lifting structure, or other structure, or any part thereof,
- (iii) a shaft, tunnel or caisson whether work is under compressed air or not,
- (iv) a street, highway, roadway, railway, monorail, airport runway, parking lot, or any part thereof,
- (v) a conduit, including a trench to be used for the inspection, installation, removal or repair of a conduit,
- (vi) a well other than a well as defined in section 1 of *The Petroleum Resources Act, 1971*, 1971, c. 94
- (vii) any combination of i, ii, iii, iv, v, or vi, or
- (viii) works of a like nature,

under construction whether upon public or private property, and includes any land, any part of a public highway, or private right of way, or any excavations, buildings, structures, works, or undertakings or appurtenances used in connection with the construction;

(o) "regulations" means the regulations made under this Act;

(p) "shaft" means an excavation having a longitudinal axis at an angle greater than 45 degrees to the horizontal,

- (i) for the passage of persons or materials to or from a tunnel, or
- (ii) leading to an existing tunnel;

- (q) "subcontractor" means a person who contracts for part of the work on a project;
- (r) "trench" means any excavation in the ground where the vertical dimension from the highest point of the excavation to the point level with the lowest point of the excavation exceeds the least horizontal dimension of the excavation, such dimensions being taken in a vertical plane at right angles to the longitudinal centre line of the excavation, but does not include a shaft, caisson or cofferdam, or a cutting for the right of way of a public highway or railway;
- (s) "tunnel" means a subterranean passage into which a workman enters or is required to enter to work and which is made by excavating beneath the overburden;
- (t) "workman" means a person who is on a project for any purpose in connection therewith. R.S.O. 1970, c. 81, s. 1, *amended*.

Application
of Act
R.S.O. 1970,
cc. 284, 349

2.—(1) Subject to section 3, and notwithstanding the provisions of *The Municipal Act* or *The Planning Act* or any by-law passed by a municipality thereunder, this Act and the regulations apply to every project within the Province of Ontario, including every project being constructed by or on behalf of the Crown. R.S.O. 1970, c. 81, s. 2, *amended*.

Designa-
tion of
part of
project

(2) The Director may by notice in writing designate that any part of a project shall be deemed to be an individual project for the purposes of this Act and the regulations, and the person who undertakes all the work on the part designated to be an individual project shall be deemed to be the constructor of that part. *New*.

Where Act
does not
apply

3. This Act and the regulations do not apply to a project,

- (a) while the work is being done solely by the owner in person;
- (b) to which *The Mining Act* applies;
- (c) that is situate on a farm and that is to be or is used upon its completion for farming purposes and the work is being done solely by the owner in person with or without the assistance of his farm help;
- (d) that is an excavation made for the burial of a deceased person;

R.S.O. 1970,
c. 274

- (e) that is exempted from this Act or the regulations by the Lieutenant Governor in Council. R.S.O. 1970, c. 81, s. 3, *amended*.

4.—(1) Such inspectors as are considered necessary to enforce this Act and the regulations may be appointed under *The Public Service Act*. Appointment of inspectors R.S.O. 1970, c. 386

(2) The Deputy Minister may designate a person as the Director for purposes of the general administration of this Act and the regulations, including the supervision and direction of the inspectors. Designation of Director

(3) The council of a municipality may with the consent of the Minister and subject to such terms and conditions as he may consider advisable, appoint one or more persons as inspectors to enforce this Act and the regulations in the municipality. *New*. Appointment of inspectors by a municipality

5.—(1) The Deputy Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector. Certificate of appointment

(2) Every inspector, in the execution of any of his duties under this Act, shall produce his certificate of appointment upon request. R.S.O. 1970, c. 81, s. 9, *amended*. Production of certificate

6.—(1) An inspector may for the purposes of carrying out his duties under this Act and the regulations,

- (a) subject to subsection 4, enter in or upon any land or premises at any time without a warrant;
- (b) take up or use at any time any property, real or personal, for purposes necessary or advisable to protect any workman on a project;
- (c) require the production of the drawings and specifications of a project or any part thereof, including any drawings prescribed by the regulations, for his inspection and may require information from any person concerning any matter related to a project or part thereof;
- (d) be accompanied by any person who has special or expert knowledge of any matter in relation to a project or part thereof;
- (e) alone or in conjunction with such other person or persons possessing special or expert knowledge, make

such examinations, tests, inquiries, or, subject to subsections 2 and 3, take such samples or photographs as are necessary to ascertain whether this Act and the regulations are being complied with;

(f) require that a constructor provide a document or drawing bearing the seal and signature of a professional engineer certifying that a structure, part of a structure or temporary works on a project will support all loads to which it is likely to be subjected at any stage during the progress of the work or undertaking;

(g) require that a subcontractor provide a document or drawing bearing the seal and signature of a professional engineer certifying that the part of the work on a project under his control will support all loads to which it is likely to be subjected while under his control. R.S.O. 1970, c. 81, s. 10 (1), *amended*.

Samples

(2) Where an inspector takes a sample under clause *e* of subsection 1, the inspector shall divide the sample into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.

Idem

(3) Where an inspector takes a sample under clause *e* of subsection 1 and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken if the person so requests at the time the sample was taken.

Entry to dwellings

(4) An inspector shall not enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. *New*.

R.S.O. 1970,
c. 450

Obstruction
of
inspector

7.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act. R.S.O. 1970, c. 81, s. 12, *amended*.

Assistance
of
inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or duties under this Act. R.S.O. 1970, c. 81, s. 13, *amended*.

Refusal to
produce

(3) No person shall neglect or refuse to produce any drawings and specifications as required by an inspector under clauses *c*, *f* and *g* of subsection 1 of section 6.

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act. R.S.O. 1970, c. 81, s. 11 (2), *amended*. ^{False information, etc.}

8.—(1) An inspector, a person who accompanies an inspector, or a person who makes an examination, test, or inquiry, or takes samples shall not publish, disclose or communicate to any person any information, material, statement or result of any test, acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act or the regulations. ^{Information confidential}

(2) No report of an inspector, a person who, at the request of an inspector, accompanies an inspector, or a person who, at the request of an inspector, makes an examination, test, inquiry or takes samples shall be communicated, disclosed or published to any person except for the purposes of carrying out his duties under this Act or the regulations. ^{Idem}

(3) Neither an inspector nor a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is a compellable witness in a civil suit or proceeding respecting any information, material, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act. ^{Compellability in civil suit}

(4) The Director may communicate or allow to be communicated, disclosed or published information, material, statements, or the result of a test acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations. ^{Power of Director to disclose}

(5) No person to whom information is communicated under this section or sections 6 and 7 shall divulge the name of the informant to any person except for the purposes of this Act. ^{Informant confidential}
New.

9.—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. ^{Liability of inspector}

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the ^{Liability of Crown}
R.S.O. 1970, c. 365

Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New.*

Notice of
project

10.—(1) Where the regulations so require, before work is done on a project, the constructor shall give to the Director the notice prescribed by the regulations.

Posting
copy of
notice

(2) Before work is done on a project, the constructor shall post or have available for review on the project a copy of the notice required by subsection 1.

Sub-
contractor
to ensure
notice
given

(3) No subcontractor shall do work on a project until he has ensured that the notice required by subsection 1 has been given.

Emergency
work

(4) Notwithstanding subsection 1, where it is necessary to do work on a project immediately in order to prevent injury to persons or damage to property, work on the project may be begun without complying with subsection 1, but, in any such case, the notice shall be given to the Director as soon as practicable after work on the project begins. *New.*

Order by
inspector

11.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened he may give to the constructor, the subcontractor, the person whom he believes to be the contravener or to the employer or the foreman of that person, an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies. R.S.O. 1970, c. 81, s. 16 (1), *amended.*

Idem

(2) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention and its location on the project. *New.*

Idem

(3) Where an inspector gives an order under this section and he considers that the contravention of this Act or the regulations is a serious danger or hazard to persons or property he,

(a) shall order that any matter or thing, part or parts thereof shall not be used until the order is complied with; and

(b) may order that all work on the project or part thereof specified in the order, other than such work as is necessary to comply with the order, shall stop until his order is complied with or until written permission to resume work has been given by an inspector.

(4) Where an inspector is of the opinion that this Act or the regulations are being contravened on a part of a project, he may order the person who in his opinion is the contravener, or the foreman of that person, or the constructor, or any of them to isolate that part by barricades or fencing suitable to prevent access to that part by workmen on the project and no person shall knowingly enter that part of the project, except for those workmen who enter that part only for the purpose of doing work necessary to ensure that this Act or the regulations are complied with on that part of the project. R.S.O. 1970, c. 81, s. 16 (1), *amended*. ^{Idem}

(5) Every person to whom an order under this Act is given shall comply with it in accordance with its terms. R.S.O. 1970, c. 81, s. 16 (3). ^{Compliance with order}

(6) Where an inspector gives an order under this section he may affix a copy thereof to the project or any part thereof, and no person, except an inspector or the Director shall remove such copy unless authorized by the inspector or the Director. R.S.O. 1970, c. 81, s. 16 (2), *amended*. ^{Affixing copy of order}

12.—(1) Any person who considers himself aggrieved by an order given or decision made by an inspector under this Act or the regulations may appeal to the Director who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order or decision appealed from pending disposition of the appeal. ^{Appeal from inspector}

(2) An appeal to the Director may be made in writing or orally or by telephone, but the Director may require the grounds for the appeal to be specified in writing before the appeal. ^{Method}

(3) The appellant, the inspector from whom the appeal is taken and such other persons as the Director may specify are parties to an appeal under this section. ^{Parties}

(4) On an appeal under this section, the Director may substitute his findings or opinions for those of the inspector who made the decision appealed from and may rescind or affirm the decision or make a new decision in substitution therefor and for such purpose has all the powers of an inspector and the decision of the Director shall stand in the place of and have the like effect under this Act and the regulations as the decision of the inspector. ^{Powers of Director}

(5) In this section, a decision of an inspector under this Act or the regulations includes any order or permission made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or ^{What constitutes decision}

the refusal thereof by an inspector, or the making of any finding by an inspector under this Act or the regulations.

Decision
of
Director
final

(6) A decision of the Director under this section is final. *New.*

Non-
compliance
with
order of
inspector

13.—(1) Where a person is charged with failure to comply with an order of an inspector given under section 11 or 12, a judge or local judge of the Supreme Court, upon application of the inspector who gave the order or the Director and upon two clear days notice to the accused person, may grant an order restraining the accused person and any other person having knowledge of the restraining order from continuing the work specified in the restraining order until the final disposition of the charge other than such work as is necessary to carry out the order of the inspector.

Ex parte
restraining
order

(2) Notwithstanding the notice required by subsection 1, a restraining order may be made for a period not exceeding five days upon an *ex parte* application.

Enforce-
ment

(3) A restraining order made under subsection 1 or 2 may be entered and enforced in the same manner as an order or judgment of the Supreme Court. R.S.O. 1970, c. 81, s. 17, *amended.*

Duties of
constructor;
provision of
equipment

14.—(1) A constructor shall ensure that the equipment, materials and protective devices prescribed by the regulations are provided on the project.

maintenance
and use of
equipment

(2) A constructor shall ensure that the equipment, materials and protective devices provided by him are,

(a) maintained in good condition; and

(b) used as prescribed by the regulations.

procedures

(3) A constructor shall ensure that the measures and procedures prescribed by the regulations are carried out on the project.

reasonable
precautions

(4) A constructor shall take every precaution reasonable in the circumstances for the protection of a workman on a project, but this provision shall not be applied to affect the strict duties imposed on a constructor by subsections 1, 2 and 3. R.S.O. 1970, c. 81, s. 18, *amended.*

Duties of
subcon-
tractor;
provision of
equipment

15.—(1) A subcontractor shall ensure that the equipment, materials and protective devices prescribed by the regulations are provided on the part of the project under his direct control.

maintenance
and use of
equipment

(2) A subcontractor shall ensure that the equipment, materials and protective devices provided by him are,

- (a) maintained in good condition; and
- (b) used as prescribed by the regulations.

(3) A subcontractor shall ensure that the measures and ^{procedures} procedures prescribed by the regulations are carried out on the part of the project under his direct control.

(4) A subcontractor shall take every precaution reasonable ^{reasonable precautions} in the circumstances for the protection of workmen on the part of the project under his direct control, but this provision shall not be applied to affect the strict duties imposed by subsections 1, 2 and 3. R.S.O. 1970, c. 81, s. 18, *amended*.

16. Where an owner is a constructor and has delegated by ^{Duty of manager} contract to a person the management of the work on a project, such person is, in addition to the owner, subject to the duties imposed upon a constructor by this Act and the regulations. *New*.

17.—(1) Every employer of a workman and every person ^{Duties of employer and foremen} with authority over a workman shall ensure that the workman works in the manner and with the protective devices, measures and procedures prescribed by this Act and the regulations.

(2) Every employer shall appoint one or more competent ^{Appointment of persons to direct workmen} persons to exercise direction and control over workmen employed by the employer and one such person may be the employer.

(3) A person appointed to exercise direction and control ^{Warning of potential hazard} over workmen shall advise the workmen under his direction and control of any potential hazard in connection with the work to be done by the workmen.

(4) An employer shall not discharge or discipline or threaten ^{Reprisal prohibited} to discharge or discipline an employee because the employee has sought the enforcement of this Act or the regulations or has acted in compliance with this Act or the regulations. *New*.

18.—(1) A workman shall work in compliance with the ^{Duty of workmen} requirements of this Act and the regulations.

(2) In addition to compliance with subsection 1, a workman ^{Protective clothing} shall use or wear protective devices or clothing as his employer may require.

(3) No workman shall conduct himself so that he is likely to ^{Workman not to endanger himself} endanger himself or other persons. *New*.

Removal of
safety
devices

19.—(1) No person shall remove or make ineffective any protective device required by this Act or the regulations without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced forthwith.

Reporting
accidents

(2) A workman shall forthwith report to his foreman or supervisor any accident to himself, any contravention of the Act or the regulations, or the existence of any hazard of which the workman has knowledge. *New.*

Use of
defective
equipment

20. Where any machine, device or thing on a project is in contravention of this Act or the regulations, no person shall knowingly use or operate or cause or permit the machine, device or thing to be used or operated. *New.*

Manner of
use of
equipment

21. No person shall use or operate any machine, device or thing on a project in a manner that does not comply with this Act and the regulations. *New.*

Working
under-
ground

22. No person shall work in a trench, shaft, tunnel, caisson or cofferdam to which this Act applies unless another person is working above ground in close proximity to, or in close proximity to the means of access to, the trench, shaft, tunnel, caisson or cofferdam. *New.*

Person
under
sixteen
years

23.—(1) No person with authority over a workman on a project shall knowingly permit a person under the age of sixteen years to be on a project.

Idem

(2) No person shall knowingly employ a person under the age of sixteen years on a project. R.S.O. 1970, c. 81, s. 19, *amended.*

Provision of
defective
machine

24.—(1) No person shall provide any machine, vehicle, tool, or equipment, or any part thereof, for use by a person on a project if the machine, vehicle, tool, equipment or part is defective.

Maintenance
of machine
leased

(2) A person supplying any machine, vehicle, tool or equipment, or any part thereof under any rental, leasing or similar arrangement for use by a person on a project shall ensure that the machine, vehicle, tool or equipment or part thereof is maintained in good condition. R.S.O. 1970, c. 81, s. 21, *amended.*

Notice
of death
or critical
injury

25.—(1) Where on a project a person is killed or critically injured from any cause, his employer or foreman, the constructor and any person with authority over the project shall ensure that an inspector is notified immediately of the occur-

rence by telephone, telegram or other direct means, and the constructor shall, within forty-eight hours after the occurrence, send to the Director a written report of the circumstances of the occurrence, including the particulars of,

- (a) the name and address of the constructor;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained;
- (c) the machinery or equipment involved;
- (d) the time and place of the occurrence;
- (e) the name and address of the injured person;
- (f) the names and addresses of all witnesses to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury. R.S.O. 1970, c. 81, s. 23 (1), *amended*.

(2) Where a person is killed or is critically injured on a project, no person shall, except for the purpose of, ^{Preservation of wreckage}

- (a) saving life or relieving human suffering; or
- (b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector. R.S.O. 1970, c. 81, s. 23 (3), *amended*.

26.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. ^{General penalty}

(2) Every person to whom an order of an inspector is given under section 11 or 12, who fails to comply with it in accordance with its terms, is guilty of an offence and, on summary conviction is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$500 per day for every day upon which the offence continued after such order was given. R.S.O. 1970, c. 81, s. 25, *amended*. ^{Penalty for failure to comply with order of inspector}

27. In any prosecution for an offence under this Act, a copy of a direction or order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act to make the direction or order is *prima facie* proof of the direction or order without proof of the signature or authority of the person by whom it purports to be signed. *New*. ^{Proof of order}

Hearing of
information

28. An information in respect of an offence under this Act or the regulations may, at the election of the informant, be heard, tried and determined by the Provincial Court (Criminal Division) having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. *New.*

Levy on
construction
industry

29.—(1) The Lieutenant Governor in Council may, by order, fix an amount that shall be assessed and levied by the Workmen's Compensation Board upon the employers in Schedule 1 under *The Workmen's Compensation Act* engaged in projects, in an amount sufficient to defray the expenses of the administration of this Act by the Ministry of Labour.

R.S.O. 1970,
c. 505

Collection
of levy

(2) The Workmen's Compensation Board shall add to the assessment and levy made under *The Workmen's Compensation Act* upon each employer in Schedule 1 thereunder engaged in projects a sum which shall be calculated as a percentage of the said assessment and levy and which percentage shall be determined as the proportion that the amount fixed under subsection 1 bears to the total sum that the Workmen's Compensation Board fixes and determines to be assessed for payment by all employers in Schedule 1 engaged in projects, and *The Workmen's Compensation Act* applies to such sum and to the collection and payment thereof in the same manner as to an assessment and levy made under that Act.

Payment to
Treasurer

(3) The Workmen's Compensation Board shall collect the assessment and levy imposed under this section and shall pay the amounts so collected to the Treasurer of Ontario. *New.*

Notice of
injury to
person

30.—(1) Where an accident, industrial disease, explosion or fire causes injury to a person on a project whereby he is disabled from earning full wages or requires medical attention, and such occurrence does not require notice to an inspector and the sending of a written report to the Director as prescribed by subsection 1 of section 25, a notice in writing of the occurrence shall be given to the Director by the employer of the injured person stating,

- (a) the name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence;
- (c) the time and place of the occurrence; and
- (d) the name and address of the injured person.

Time for
notice

(2) Such notice shall be given within four days after the occurrence.

(3) This section does not apply where a notice required to be given by an employer to the Workmen's Compensation Board by section 117 of *The Workmen's Compensation Act* has been delivered or mailed to the Workmen's Compensation Board as required by the said section 117. ^{Notice under R.S.O. 1970, c. 505, s. 117 sufficient}

(4) Where a notice required to be given by section 117 of *The Workmen's Compensation Act* is received by the Workmen's Compensation Board from an employer, a copy shall be forwarded by the Board to the Director. R.S.O. 1970, c. 81, s. 22, *amended*. ^{Board to give notice R.S.O. 1970, c. 505}

31.—(1) The Lieutenant Governor in Council may make such regulations as he considers advisable to ensure the protection of persons on projects. ^{Regulations}

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations, ^{Idem}

1. prescribing forms and providing for their use;
2. requiring and prescribing notices in one or more languages that shall be posted;
3. prescribing the projects of which notice is to be given to the Director;
4. prescribing the records that shall be made and kept;
5. requiring the submission of such drawings, specifications, details of procedures and other information as are prescribed and prescribing by whom such information shall be prepared or certified;
6. requiring and providing for the registration of employers of workmen engaged in the construction of projects or parts of projects;
7. regulating or prohibiting the installation or use of any machine, device or thing or any class thereof;
8. requiring and regulating protective clothing and devices for persons who are exposed to any hazards;
9. regulating the handling, use and disposal of any poisonous, dangerous or harmful material, substance or thing;
10. respecting protection from fire;
11. respecting the provision and maintenance of any sanitary convenience or welfare provision;

12. regulating the exposure by persons to specified atmospheric conditions;
13. requiring medical examinations of workmen and prescribing the reports to be made of such examinations;
14. respecting the reporting by physicians and others of affection from dangerous or harmful substances or poisoning;
15. requiring persons to transmit to the Director such returns and reports as are prescribed;
16. prescribing the medical facilities that shall be provided for medical treatment in cases of accident or sickness and the supervision of the general health of workmen during working hours;
17. requiring that any machine, device or thing used bears the seal of approval of an organization designated to test and approve the machine, device or thing;
18. requiring the approval of an inspector in respect of any method, matter or thing.
19. adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted.
R.S.O. 1970, c. 81, s. 26, *amended*.

R.S.O. 1970, c. 81, repealed **32.**—(1) *The Construction Safety Act*, being chapter 81 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970, c. 469, repealed (2) *The Trench Excavator's Protection Act*, being chapter 469 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970, c. 117, s. 11 (1), repealed (3) Subsection 1 of section 11 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed.

1971 Act, amended (4) Sections 22 and 83 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50, are repealed.

Commence-
ment **33.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **34.** This Act may be cited as *The Construction Safety Act, 1973*.

The Construction Safety Act, 1973

1st Reading

May 31st, 1973

2nd Reading

3rd Reading

THE HON. F. GUNDON
Minister of Labour

(Government Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

The Construction Safety Act, 1973

THE HON. F. GUINDON
Minister of Labour



TORONTO

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1973

The Construction Safety Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "caisson" means a casing being sunk or constructed below ground or water level whether or not it is designed to contain air above atmospheric pressure, and includes an excavation drilled by an auger into which a workman enters or is required to enter to work, but does not include a water well or a well within the meaning of *The Petroleum Resources Act*, 1971, c. 94 1971;
- (b) "cofferdam" means a structure constructed all or in part below water level or below the level of the water table in the ground and intended to provide a water-tight place in which to work;
- (c) "conduit" means,
 - (i) a sewer,
 - (ii) a water main,
 - (iii) a duct or cable for a telegraphic, telephonic or electrical service,
 - (iv) a pipe or duct for the transportation of any solid, liquid or gas, or
 - (v) any combination of i, ii, iii, or iv,

and includes any service connection made or intended to be made thereto;

- (d) "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
- (e) "constructor" means,
 - (i) a person who contracts with any person to undertake all the work on a project, or
 - (ii) an owner who contracts with more than one person for parts of the work on a project, or undertakes all or part of the work on a project himself;
- (f) "Deputy Minister" means the Deputy Minister of Labour;
- (g) "Director" means the officer of the Ministry of Labour designated by the Deputy Minister as Director for the purposes of this Act;
- (h) "employer" means a person who employs one or more workmen and includes a person who is self-employed;
- (i) "inspector" means an inspector appointed for the purposes of this Act, and includes the Director;
- (j) "Minister" means the Minister of Labour;
- (k) "municipality" means,
 - (i) a metropolitan or regional municipality within the meaning of any Act to establish a metropolitan or regional municipality, or
 - (ii) a city, not being an area municipality situate within a metropolitan or regional municipality, and having a population of not less than 100,000 as determined by a census of the municipality taken under section 23 of *The Assessment Act*;
- (l) "owner" includes a tenant or person for whose direct benefit a project exists upon its completion;
- (m) "professional engineer" means a person registered as a professional engineer or a person who is licensed

to practise as a professional engineer under *The Professional Engineers Act*; R.S.O. 1970,
c. 366

(n) "project" means,

- (i) a residential, industrial, institutional, commercial, hotel, office or other building, or any part thereof,
- (ii) a bridge, silo, chimney, earth retaining structure, water control structure, dock, material handling structure, elevating or lifting structure, or other structure, or any part thereof,
- (iii) a shaft, tunnel or caisson whether work is under compressed air or not,
- (iv) a street, highway, roadway, railway, monorail, airport runway, parking lot, or any part thereof,
- (v) a conduit, including a trench to be used for the inspection, installation, removal or repair of a conduit,
- (vi) a well other than a well as defined in section 1 of *The Petroleum Resources Act, 1971*, 1971, c. 94
- (vii) any combination of i, ii, iii, iv, v, or vi, or
- (viii) works of a like nature,

under construction whether upon public or private property, and includes any land, any part of a public highway, or private right of way, or any excavations, buildings, structures, works, or undertakings or appurtenances used in connection with the construction;

(o) "regulations" means the regulations made under this Act;

(p) "shaft" means an excavation having a longitudinal axis at an angle greater than 45 degrees to the horizontal,

- (i) for the passage of persons or materials to or from a tunnel, or
- (ii) leading to an existing tunnel;

- (q) "subcontractor" means a person who contracts for part of the work on a project;
- (r) "trench" means any excavation in the ground where the vertical dimension from the highest point of the excavation to the point level with the lowest point of the excavation exceeds the least horizontal dimension of the excavation, such dimensions being taken in a vertical plane at right angles to the longitudinal centre line of the excavation, but does not include a shaft, caisson or cofferdam, or a cutting for the right of way of a public highway or railway;
- (s) "tunnel" means a subterranean passage into which a workman enters or is required to enter to work and which is made by excavating beneath the overburden;
- (t) "workman" means a person who is on a project for any purpose in connection therewith. R.S.O. 1970, c. 81, s. 1, *amended*.

Application
of Act
R.S.O. 1970,
cc. 284, 349

2.—(1) Subject to section 3, and notwithstanding the provisions of *The Municipal Act* or *The Planning Act* or any by-law passed by a municipality thereunder, this Act and the regulations apply to every project within the Province of Ontario, including every project being constructed by or on behalf of the Crown. R.S.O. 1970, c. 81, s. 2, *amended*.

Designa-
tion of
part of
project

(2) The Director may by notice in writing designate that any part of a project shall be deemed to be an individual project for the purposes of this Act and the regulations, and the person who undertakes all the work on the part designated to be an individual project shall be deemed to be the constructor of that part. *New*.

Where Act
does not
apply

3. This Act and the regulations do not apply to a project,

- (a) while the work is being done solely by the owner in person;
- (b) to which *The Mining Act* applies;
- (c) that is situate on a farm and that is to be or is used upon its completion for farming purposes and the work is being done solely by the owner in person with or without the assistance of his farm help;
- (d) that is an excavation made for the burial of a deceased person;

R.S.O. 1970,
c. 274

- (e) that is exempted from this Act or the regulations by the Lieutenant Governor in Council. R.S.O. 1970, c. 81, s. 3, *amended*.

4.—(1) Such inspectors as are considered necessary to enforce this Act and the regulations may be appointed under *The Public Service Act*. Appointment of inspectors R.S.O. 1970, c. 386

(2) The Deputy Minister may designate a person as the Director for purposes of the general administration of this Act and the regulations, including the supervision and direction of the inspectors. Designation of Director

(3) The council of a municipality may with the consent of the Minister and subject to such terms and conditions as he may consider advisable, appoint one or more persons as inspectors to enforce this Act and the regulations in the municipality. *New*. Appointment of inspectors by a municipality

5.—(1) The Deputy Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector. Certificate of appointment

(2) Every inspector, in the execution of any of his duties under this Act, shall produce his certificate of appointment upon request. R.S.O. 1970, c. 81, s. 9, *amended*. Production of certificate

6.—(1) An inspector may for the purposes of carrying out his duties under this Act and the regulations,

- (a) subject to subsection 4, enter in or upon any land or premises at any time without a warrant;
- (b) take up or use at any time any property, real or personal, for purposes necessary or advisable to protect any workman on a project;
- (c) require the production of the drawings and specifications of a project or any part thereof, including any drawings prescribed by the regulations, for his inspection and may require information from any person concerning any matter related to a project or part thereof;
- (d) be accompanied by any person who has special or expert knowledge of any matter in relation to a project or part thereof;
- (e) alone or in conjunction with such other person or persons possessing special or expert knowledge, make

such examinations, tests, inquiries, or, subject to subsections 2 and 3, take such samples or photographs as are necessary to ascertain whether this Act and the regulations are being complied with;

(f) require that a constructor provide a document or drawing bearing the seal and signature of a professional engineer certifying that a structure, part of a structure or temporary works on a project will support all loads to which it is likely to be subjected at any stage during the progress of the work or undertaking;

(g) require that a subcontractor provide a document or drawing bearing the seal and signature of a professional engineer certifying that the part of the work on a project under his control will support all loads to which it is likely to be subjected while under his control. R.S.O. 1970, c. 81, s. 10 (1), *amended*.

Samples

(2) Where an inspector takes a sample under clause *e* of subsection 1, the inspector shall divide the sample into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.

Idem

(3) Where an inspector takes a sample under clause *e* of subsection 1 and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken if the person so requests at the time the sample was taken.

Entry to dwellings

(4) An inspector shall not enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. *New*.

R.S.O. 1970,
c. 450

Obstruction
of
inspector

7.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act. R.S.O. 1970, c. 81, s. 12, *amended*.

Assistance
of
inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or duties under this Act. R.S.O. 1970, c. 81, s. 13, *amended*.

Refusal to
produce

(3) No person shall neglect or refuse to produce any drawings and specifications as required by an inspector under clauses *c*, *f* and *g* of subsection 1 of section 6.

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act. R.S.O. 1970, c. 81, s. 11 (2), *amended*. ^{False information, etc.}

8.—(1) An inspector, a person who accompanies an inspector, or a person who makes an examination, test, or inquiry, or takes samples shall not publish, disclose or communicate to any person any information, material, statement or result of any test, acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act or the regulations. ^{Information confidential}

(2) No report of an inspector, a person who, at the request of an inspector, accompanies an inspector, or a person who, at the request of an inspector, makes an examination, test, inquiry or takes samples shall be communicated, disclosed or published to any person except for the purposes of carrying out his duties under this Act or the regulations. ^{Idem}

(3) Neither an inspector nor a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is a compellable witness in a civil suit or proceeding respecting any information, material, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act. ^{Compellability in civil suit}

(4) The Director may communicate or allow to be communicated, disclosed or published information, material, statements, or the result of a test acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations. ^{Power of Director to disclose}

(5) No person to whom information is communicated under this section or sections 6 and 7 shall divulge the name of the informant to any person except for the purposes of this Act. ^{Informant confidential}
New.

9.—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. ^{Liability of inspector}

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the ^{Liability of Crown R.S.O. 1970, c. 365}

Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New.*

Notice of
project

10.—(1) Where the regulations so require, before work is done on a project, the constructor shall give to the Director the notice prescribed by the regulations.

Posting
copy of
notice

(2) Before work is done on a project, the constructor shall post or have available for review on the project a copy of the notice required by subsection 1.

Sub-
contractor
to ensure
notice
given

(3) No subcontractor shall do work on a project until he has ensured that the notice required by subsection 1 has been given.

Emergency
work

(4) Notwithstanding subsection 1, where it is necessary to do work on a project immediately in order to prevent injury to persons or damage to property, work on the project may be begun without complying with subsection 1, but, in any such case, the notice shall be given to the Director as soon as practicable after work on the project begins. *New.*

Order by
inspector

11.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened he may give to the constructor, the subcontractor, the person whom he believes to be the contravener or to the employer or the foreman of that person, an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies. R.S.O. 1970, c. 81, s. 16 (1), *amended.*

Idem

(2) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention and its location on the project. *New.*

Idem

(3) Where an inspector gives an order under this section and he considers that the contravention of this Act or the regulations is a serious danger or hazard to persons or property he,

(a) shall order that any matter or thing, part or parts thereof shall not be used until the order is complied with; and

(b) may order that all work on the project or part thereof specified in the order, other than such work as is necessary to comply with the order, shall stop until his order is complied with or until written permission to resume work has been given by an inspector.

(4) Where an inspector is of the opinion that this Act or the ^{Idem} regulations are being contravened on a part of a project, he may order the person who in his opinion is the contravener, or the foreman of that person, or the constructor, or any of them to isolate that part by barricades or fencing suitable to prevent access to that part by workmen on the project and no person shall knowingly enter that part of the project, except for those workmen who enter that part only for the purpose of doing work necessary to ensure that this Act or the regulations are complied with on that part of the project. R.S.O. 1970, c. 81, s. 16 (1), *amended*.

(5) Every person to whom an order under this Act is given ^{Compliance with order} shall comply with it in accordance with its terms. R.S.O. 1970, c. 81, s. 16 (3).

(6) Where an inspector gives an order under this section he ^{Affixing copy of order} may affix a copy thereof to the project or any part thereof, and no person, except an inspector or the Director shall remove such copy unless authorized by the inspector or the Director. R.S.O. 1970, c. 81, s. 16 (2), *amended*.

12.—(1) Any person who considers himself aggrieved by an ^{Appeal from inspector} order given or decision made by an inspector under this Act or the regulations may appeal to the Director who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order or decision appealed from pending disposition of the appeal.

(2) An appeal to the Director may be made in writing or ^{Method} orally or by telephone, but the Director may require the grounds for the appeal to be specified in writing before the appeal.

(3) The appellant, the inspector from whom the appeal is ^{Parties} taken and such other persons as the Director may specify are parties to an appeal under this section.

(4) On an appeal under this section, the Director may sub-^{Powers of Director}stitute his findings or opinions for those of the inspector who made the decision appealed from and may rescind or affirm the decision or make a new decision in substitution therefor and for such purpose has all the powers of an inspector and the decision of the Director shall stand in the place of and have the like effect under this Act and the regulations as the decision of the inspector.

(5) In this section, a decision of an inspector under this Act ^{What constitutes decision} or the regulations includes any order or permission made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or

the refusal thereof by an inspector, or the making of any finding by an inspector under this Act or the regulations.

Decision
of
Director
final

(6) A decision of the Director under this section is final. *New.*

Non-
compliance
with
order of
inspector

13.—(1) Where a person is charged with failure to comply with an order of an inspector given under section 11 or 12, a judge or local judge of the Supreme Court, upon application of the inspector who gave the order or the Director and upon two clear days notice to the accused person, may grant an order restraining the accused person and any other person having knowledge of the restraining order from continuing the work specified in the restraining order until the final disposition of the charge other than such work as is necessary to carry out the order of the inspector.

Ex parte
restraining
order

(2) Notwithstanding the notice required by subsection 1, a restraining order may be made for a period not exceeding five days upon an *ex parte* application.

Enforce-
ment

(3) A restraining order made under subsection 1 or 2 may be entered and enforced in the same manner as an order or judgment of the Supreme Court. R.S.O. 1970, c. 81, s. 17, *amended.*

Duties of
constructor;
provision of
equipment

14.—(1) A constructor shall ensure that the equipment, materials and protective devices prescribed by the regulations are provided on the project.

maintenance
and use of
equipment

(2) A constructor shall ensure that the equipment, materials and protective devices provided by him are,

(a) maintained in good condition; and

(b) used as prescribed by the regulations.

procedures

(3) A constructor shall ensure that the measures and procedures prescribed by the regulations are carried out on the project.

reasonable
precautions

(4) A constructor shall take every precaution reasonable in the circumstances for the protection of a workman on a project, but this provision shall not be applied to affect the strict duties imposed on a constructor by subsections 1, 2 and 3. R.S.O. 1970, c. 81, s. 18, *amended.*

Duties of
subcon-
tractor;
provision of
equipment

15.—(1) A subcontractor shall ensure that the equipment, materials and protective devices prescribed by the regulations are provided on the part of the project under his direct control.

maintenance
and use of
equipment

(2) A subcontractor shall ensure that the equipment, materials and protective devices provided by him are,

- (a) maintained in good condition; and
- (b) used as prescribed by the regulations.

(3) A subcontractor shall ensure that the measures and ^{procedures} procedures prescribed by the regulations are carried out on the part of the project under his direct control.

(4) A subcontractor shall take every precaution reasonable ^{reasonable precautions} in the circumstances for the protection of workmen on the part of the project under his direct control, but this provision shall not be applied to affect the strict duties imposed by subsections 1, 2 and 3. R.S.O. 1970, c. 81, s. 18, *amended*.

16. Where an owner is a constructor and has delegated by ^{Duty of manager} contract to a person the management of the work on a project, such person is, in addition to the owner, subject to the duties imposed upon a constructor by this Act and the regulations. *New*.

17.—(1) Every employer of a workman and every person ^{Duties of employer and foremen} with authority over a workman shall ensure that the workman works in the manner and with the protective devices, measures and procedures prescribed by this Act and the regulations.

(2) Every employer shall appoint one or more competent ^{Appointment of persons to direct workmen} persons to exercise direction and control over workmen employed by the employer and one such person may be the employer.

(3) A person appointed to exercise direction and control ^{Warning of potential hazard} over workmen shall advise the workmen under his direction and control of any potential hazard in connection with the work to be done by the workmen.

(4) An employer shall not discharge or discipline or threaten ^{Reprisal prohibited} to discharge or discipline an employee because the employee has sought the enforcement of this Act or the regulations or has acted in compliance with this Act or the regulations. *New*.

18.—(1) A workman shall work in compliance with the ^{Duty of workmen} requirements of this Act and the regulations.

(2) In addition to compliance with subsection 1, a workman ^{Protective clothing} shall use or wear protective devices or clothing as his employer may require.

(3) No workman shall conduct himself so that he is likely to ^{Workman not to endanger himself} endanger himself or other persons. *New*.

Removal of
safety
devices

19.—(1) No person shall remove or make ineffective any protective device required by this Act or the regulations without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced forthwith.

Reporting
accidents

(2) A workman shall forthwith report to his foreman or supervisor any accident to himself, any contravention of the Act or the regulations, or the existence of any hazard of which the workman has knowledge. *New.*

Use of
defective
equipment

20. Where any machine, device or thing on a project is in contravention of this Act or the regulations, no person shall knowingly use or operate or cause or permit the machine, device or thing to be used or operated. *New.*

Manner of
use of
equipment

21. No person shall use or operate any machine, device or thing on a project in a manner that does not comply with this Act and the regulations. *New.*

Working
under-
ground

22. No person shall work in a trench, shaft, tunnel, caisson or cofferdam to which this Act applies unless another person is working above ground in close proximity to, or in close proximity to the means of access to, the trench, shaft, tunnel, caisson or cofferdam. *New.*

Person
under
sixteen
years

23.—(1) No person with authority over a workman on a project shall knowingly permit a person under the age of sixteen years to be on a project.

Idem

(2) No person shall knowingly employ a person under the age of sixteen years on a project. R.S.O. 1970, c. 81, s. 19, *amended.*

Provision of
defective
machine

24.—(1) No person shall provide any machine, vehicle, tool, or equipment, or any part thereof, for use by a person on a project if the machine, vehicle, tool, equipment or part is defective.

Maintenance
of machine
leased

(2) A person supplying any machine, vehicle, tool or equipment, or any part thereof under any rental, leasing or similar arrangement for use by a person on a project shall ensure that the machine, vehicle, tool or equipment or part thereof is maintained in good condition. R.S.O. 1970, c. 81, s. 21, *amended.*

Notice
of death
or critical
injury

25.—(1) Where on a project a person is killed or critically injured from any cause, his employer or foreman, the constructor and any person with authority over the project shall ensure that an inspector is notified immediately of the occur-

rence by telephone, telegram or other direct means, and the constructor shall, within forty-eight hours after the occurrence, send to the Director a written report of the circumstances of the occurrence, including the particulars of,

- (a) the name and address of the constructor ;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained ;
- (c) the machinery or equipment involved ;
- (d) the time and place of the occurrence ;
- (e) the name and address of the injured person ;
- (f) the names and addresses of all witnesses to the occurrence ; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury. R.S.O. 1970, c. 81, s. 23 (1), *amended*.

(2) Where a person is killed or is critically injured on a project, no person shall, except for the purpose of, ^{Preservation of wreckage}

- (a) saving life or relieving human suffering ; or
- (b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector. R.S.O. 1970, c. 81, s. 23 (3), *amended*.

26.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. ^{General penalty}

(2) Every person to whom an order of an inspector is given under section 11 or 12, who fails to comply with it in accordance with its terms, is guilty of an offence and, on summary conviction is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$500 per day for every day upon which the offence continued after such order was given. ^{Penalty for failure to comply with order of inspector} R.S.O. 1970, c. 81, s. 25, *amended*.

27. In any prosecution for an offence under this Act, a copy of a direction or order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act to make the direction or order is *prima facie* proof of the direction or order without proof of the signature or authority of the person by whom it purports to be signed. ^{Proof of order} *New*.

Hearing of
information

28. An information in respect of an offence under this Act or the regulations may, at the election of the informant, be heard, tried and determined by the Provincial Court (Criminal Division) having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. *New.*

Levy on
construction
industry

R.S.O. 1970,
c. 505

29.—(1) The Lieutenant Governor in Council may, by order, fix an amount that shall be assessed and levied by the Workmen's Compensation Board upon the employers in Schedule 1 under *The Workmen's Compensation Act* engaged in projects, in an amount sufficient to defray the expenses of the administration of this Act by the Ministry of Labour.

Collection
of levy

(2) The Workmen's Compensation Board shall add to the assessment and levy made under *The Workmen's Compensation Act* upon each employer in Schedule 1 thereunder engaged in projects a sum which shall be calculated as a percentage of the said assessment and levy and which percentage shall be determined as the proportion that the amount fixed under subsection 1 bears to the total sum that the Workmen's Compensation Board fixes and determines to be assessed for payment by all employers in Schedule 1 engaged in projects, and *The Workmen's Compensation Act* applies to such sum and to the collection and payment thereof in the same manner as to an assessment and levy made under that Act.

Payment to
Treasurer

(3) The Workmen's Compensation Board shall collect the assessment and levy imposed under this section and shall pay the amounts so collected to the Treasurer of Ontario. *New.*

Notice of
injury to
person

30.—(1) Where an accident, industrial disease, explosion or fire causes injury to a person on a project whereby he is disabled from earning full wages or requires medical attention, and such occurrence does not require notice to an inspector and the sending of a written report to the Director as prescribed by subsection 1 of section 25, a notice in writing of the occurrence shall be given to the Director by the employer of the injured person stating,

- (a) the name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence;
- (c) the time and place of the occurrence; and
- (d) the name and address of the injured person.

Time for
notice

(2) Such notice shall be given within four days after the occurrence.

(3) This section does not apply where a notice required to be given by an employer to the Workmen's Compensation Board by section 117 of *The Workmen's Compensation Act* has been delivered or mailed to the Workmen's Compensation Board as required by the said section 117. Notice under R.S.O. 1970, c. 505, s. 117 sufficient

(4) Where a notice required to be given by section 117 of *The Workmen's Compensation Act* is received by the Workmen's Compensation Board from an employer, a copy shall be forwarded by the Board to the Director. R.S.O. 1970, c. 81, s. 22, *amended*. Board to give notice R.S.O. 1970, c. 505

31.—(1) The Lieutenant Governor in Council may make such regulations as he considers advisable to ensure the protection of persons on projects. Regulations

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations, Idem

1. prescribing forms and providing for their use;
2. requiring and prescribing notices in one or more languages that shall be posted;
3. prescribing the projects of which notice is to be given to the Director;
4. prescribing the records that shall be made and kept;
5. requiring the submission of such drawings, specifications, details of procedures and other information as are prescribed and prescribing by whom such information shall be prepared or certified;
6. requiring and providing for the registration of employers of workmen engaged in the construction of projects or parts of projects;
7. regulating or prohibiting the installation or use of any machine, device or thing or any class thereof;
8. requiring and regulating protective clothing and devices for persons who are exposed to any hazards;
9. regulating the handling, use and disposal of any poisonous, dangerous or harmful material, substance or thing;
10. respecting protection from fire;
11. respecting the provision and maintenance of any sanitary convenience or welfare provision;

12. regulating the exposure by persons to specified atmospheric conditions;
13. requiring medical examinations of workmen and prescribing the reports to be made of such examinations;
14. respecting the reporting by physicians and others of affection from dangerous or harmful substances or poisoning;
15. requiring persons to transmit to the Director such returns and reports as are prescribed;
16. prescribing the medical facilities that shall be provided for medical treatment in cases of accident or sickness and the supervision of the general health of workmen during working hours;
17. requiring that any machine, device or thing used bears the seal of approval of an organization designated to test and approve the machine, device or thing;
18. requiring the approval of an inspector in respect of any method, matter or thing.
19. adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted.
R.S.O. 1970, c. 81, s. 26, *amended*.

R.S.O. 1970,
c. 81,
repealed

32.—(1) *The Construction Safety Act*, being chapter 81 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 469,
repealed

(2) *The Trench Excavator's Protection Act*, being chapter 469 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 117, s. 11 (1),
repealed

(3) Subsection 1 of section 11 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed.

1971 Act,
amended

(4) Sections 22 and 83 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50, are repealed.

Commence-
ment

33. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

34. This Act may be cited as *The Construction Safety Act, 1973*.

The Construction Safety Act, 1973

1st Reading

May 31st, 1973

2nd Reading

June 7th, 1973

3rd Reading

June 7th, 1973

THE HON. F. GUINDON
Minister of Labour

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for
Planning and Development in Ontario**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTE

The Bill provides for the preparation and implementation of a development plan for any area of land in Ontario designated by the Minister as a development planning area. The principal features of the Bill are the following:

1. When a development planning area has been designated by the Minister, he may cause a development plan to be prepared for such area.
2. One or more advisory committees may be established by the Minister to advise him on the preparation and implementation of any such plan.
3. Provision is made for consultation during the preparation of the plan with municipalities and other affected persons and organizations, and hearing officers will be appointed to receive representations concerning the proposed plan.
4. After consideration of all comments on and representations made concerning the proposed plan, the plan will be submitted to the Lieutenant Governor in Council and the plan as approved by that body becomes the development plan covering the area of land in Ontario defined in it.
5. Provision is made for any ministry, municipality or person affected by the plan to apply for an amendment to the plan, and the provisions of the Bill relating to consultation, hearings, the receiving of representations and the like, apply to the consideration of the application for the amendment.
6. When a development plan is in effect, municipalities in the area covered by it may not pass by-laws or initiate undertakings that conflict with the plan; in the event of conflict between the development plan and any official plan or zoning by-law in effect in the same area, the development plan prevails to the extent of such conflict.
7. Municipalities may be required to adopt official plans or pass zoning by-laws that conform to the development plan or to amend existing official plans or zoning by-laws to resolve any area of conflict with the development plan; provision is made for financial aid to municipalities required to do so.
8. The Province is empowered to acquire land in a development planning area for the purpose of implementing any feature of the development plan and to sell, lease or otherwise dispose of such land; provision is made for financial assistance to persons or corporations, including municipalities, who undertake a program or policy that implements the development plan.
9. Provision is made for undertaking a review of every development plan at intervals not exceeding five years and to any such review all of the provisions of the Bill respecting consultations, hearings, the receiving of representations and the like, apply.

An Act to provide for Planning and Development in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "development plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering any area of land in Ontario defined therein, designed to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts and maps describing the program and policy;
- (b) "local plan" means an official plan approved by the Minister or by the Ontario Municipal Board under *The Planning Act*;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "zoning by-law" means a by-law passed under section 35 of *The Planning Act* or any predecessor thereof and approved by the Ontario Municipal Board.

R.S.O. 1970,
c. 349

2. The Minister may by order establish as a development planning area any area of land in Ontario defined in the order.

Minister
may establish
development
planning
area

3. The Minister may establish one or more advisory committees, consisting of such persons as the Minister appoints, to advise and make recommendations to the Minister

Advisory
committees

in respect of the preparation and implementation of any development plan and to perform any other function given to it by the Minister.

Direction by
Minister to
prepare
development
plan

4. Where a development planning area has been established under section 2, the Minister may, in respect of the planning area or any part thereof, direct that there be carried out an investigation and survey of the environmental, physical, social and economic conditions in relation to the development of the planning area or any part thereof and may cause to be prepared a development plan for the planning area or part thereof.

Consultation
with
municipalities

5. In respect of an area for which a development plan is being prepared, the Minister shall ensure that the council of each municipality within the area is consulted with respect to the proposed contents of the plan.

Contents of
plan

6. A development plan may contain,

(a) policies for the economic, social and physical development of the area covered by the plan in respect of,

- (i) the general distribution and density of population,
- (ii) the general location of industry and commerce, the identification of major land use areas and the provision of major parks and open space,
- (iii) the management of land and water resources,
- (iv) the control of all forms of pollution of the natural environment,
- (v) the general location and development of major servicing, communication and transportation systems,
- (vi) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
- (vii) such other matters as are, in the opinion of the Minister, advisable;

(b) policies relating to the financing and programming of public development projects and capital works;

- (c) policies to co-ordinate planning and development among municipalities within an area or within separate areas, defined by the Minister; and
- (d) such policies as are, in the opinion of the Minister, advisable for the implementation of the plan.

7.—(1) In respect of an area for which a development plan is being prepared, the Minister shall ensure that, ^{Proposed plan to be furnished to municipalities, etc.}

- (a) each municipality within the area is furnished with a copy of the proposed plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to it, as is specified;
- (b) a notice is published in one or more newspapers having general circulation in the area notifying the public of the proposed plan, indicating where a copy of the plan can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified; and
- (c) any regional advisory committee appointed under section 3 and empowered under that section to make recommendations relating to the preparation and implementation of a development plan covering the area is furnished with a copy of the proposed plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to the committee, as is specified.

(2) After the expiration of the time for the making of ^{Hearing officer} comments on the proposed plan, the Minister shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the area for the purpose of receiving representations respecting the contents of the plan by any person desiring to make representations.

(3) The hearing officer shall fix the time and place for ^{Notice of hearing} the hearing or hearings as determined under subsection 2, and shall publish notice thereof in one or more newspapers having in his opinion general circulation in the area.

(4) The time fixed for any hearing under subsection 3 ^{Time of hearing} shall be not sooner than three weeks after the first publication of the notice of the hearing.

Report of
hearing
officer

(5) After the conclusion of the hearing or of the last hearing if more hearings than one are held, the hearing officer shall report to the Minister a summary of the representations made together with his opinion as to what, if any, modifications ought to be made to the plan.

Inspection
of report

(6) A copy of the report of the hearing officer shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the area, and in such other offices and locations as the Minister determines for inspection by any person desiring to do so.

Submission
of plan to
Lieutenant
Governor in
Council

(7) After giving consideration to the comments received and the report of the hearing officer, the Minister shall submit the proposed plan with his recommendations thereon to the Lieutenant Governor in Council.

Approval of
plan by
Lieutenant
Governor in
Council

(8) The Lieutenant Governor in Council may approve the plan, or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the plan is the development plan for the area defined in it.

Lodging
of plan

8.—(1) A copy of every development plan and of every amendment or modification thereto certified by the Minister shall be lodged with the clerk of each municipality, all or part of which is within the area covered by the plan.

Idem

(2) A copy of every development plan and of every amendment or modification thereto certified by the Minister shall be lodged in every land registry office of lands within the area covered by the plan, where it shall be made available to the public as a production.

Amendment
to plan

9.—(1) An amendment to any development plan that is in effect may be initiated by the Minister, and application may be made to the Minister by any person, ministry or municipality requesting an amendment to the plan.

Approval of
amendment
to plan by
Lieutenant
Governor in
Council

(2) Where the Minister initiates an amendment to a development plan or, subject to subsection 3, where the Minister receives an application requesting an amendment to a plan, the provisions of this Act in respect of a development plan relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the consideration of the proposed amendment, following which the Minister shall submit the amendment with his recommendations thereon to the Lieutenant Governor in Council and the Lieutenant Governor in Council may refuse to approve the

amendment or may approve it or may approve the amendment with such modifications as the Lieutenant Governor in Council considers desirable, and in the event an amendment is approved, the development plan as so amended is thereupon the development plan for the area defined in it.

(3) Where, in the opinion of the Minister, an application for an amendment is not made in good faith, or is frivolous^{Frivolous, etc., applications} or is made only for the purpose of delay, the Minister shall inform the applicant in writing of his opinion and notify the applicant that unless he makes written representations thereon to the Minister within such time as is specified in the notice the provisions of subsection 2 in respect of the consideration of the amendment shall not apply, and approval of the amendment shall be deemed to be refused.

(4) Where representations are made to the Minister under^{Idem} subsection 3, the Minister, after giving consideration thereto, shall inform the applicant in writing either that the Minister's opinion is confirmed and that approval of the amendment is deemed to be refused or that he has directed that consideration of the amendment be proceeded with in accordance with subsection 2.

10.—(1) Notwithstanding any other general or special Act,^{By-laws, etc., to conform to plan} where there is a development plan,

- (a) no municipality or local board having jurisdiction in the area covered by the plan, or in any part thereof, and no ministry, shall undertake any improvement of a structural nature or any other undertaking within the area covered by the development plan; and
- (b) no municipality having jurisdiction in such area shall pass a by-law for any purpose,

that is in conflict with the development plan.

(2) The Minister, upon the application of the council of a municipality having jurisdiction in the area covered by a development plan, or in any part thereof, may, in writing, declare that a by-law, improvement or other undertaking of such municipality shall be deemed not to conflict with the development plan, if the Minister is of the opinion that the by-law, improvement or other undertaking conforms with the general intent and purpose of the development plan.^{Minister may deem by-law, etc., conforms to plan}

11. Notwithstanding any other general or special Act,^{Conflict} where a development plan is in effect in any area and there

is a conflict between any provision of the development plan and any provision of a local plan or any provision of a zoning by-law covering part or all of the same area, then the provision of the development plan prevails.

Minister may
require
submission of
proposals to
resolve
conflict

12.—(1) Where, in the opinion of the Minister, a local plan or a zoning by-law is in conflict with the provisions of any development plan that covers in whole or in part the same area, the Minister shall advise the council of the municipality that adopted the local plan or that passed the zoning by-law of the particulars wherein the local plan or zoning by-law conflicts with the development plan and shall invite the municipality to submit, within such time as the Minister specifies, proposals for the resolution of the conflict.

Power of
Minister to
amend
local plan

(2) Where the council of a municipality fails to submit proposals to resolve the conflict within the time specified by the Minister, or where after consultation with the Minister on such proposals, the conflict cannot be resolved and the Minister so notifies in writing the council of the municipality, the Minister may by order amend the local plan so as to make it conform to the development plan, and the order when made shall have the same effect as though it were an amendment to the local plan made by the council of the municipality and approved by the Minister.

Power of
Minister
re zoning
R.S.O. 1970,
c. 349

13. Nothing in this Act derogates from the power of the Minister to make an order under clause *a* of subsection 1 of section 32 of *The Planning Act* and, notwithstanding subsection 4 of the said section 32, where there is a development plan in effect in the area to be covered by the order, any such order may be made that does not conform to a local plan in effect in the area, provided the order conforms to the development plan.

Minister
may require
adoption
of local plan
or passage of
zoning by-law

14. Where a development plan is in effect in a municipality or any part thereof and the municipality does not have a local plan in effect or has not passed a zoning by-law or by-laws covering the municipality or that part of the municipality covered by the development plan, the council of the municipality, upon being notified in writing by the Minister of that fact, shall, within such time as is specified in the notice, prepare and adopt a local plan or pass a zoning by-law or by-laws that conform to the development plan and submit to the Minister the local plan for approval or submit to the Ontario Municipal Board the zoning by-law or by-laws for approval, as the case requires.

Review of
plan

15.—(1) Not later than five years from the day on which a development plan comes into effect, the Minister shall cause a review of the plan to be undertaken, and the provisions of

this Act in respect of a development plan relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the review, following which the Minister shall submit to the Lieutenant Governor in Council a report on the review of the development plan with his recommendations thereon.

(2) The Lieutenant Governor in Council may confirm the development plan or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the confirmed plan or the modified plan as the case may be is the development plan for the area defined in it.

Lieutenant Governor in Council may confirm plan or approve modifications

(3) Subsections 1 and 2 apply *mutatis mutandis* to the confirmed or modified development plan, and so on at intervals of not greater than five years, to the end that every development plan shall be subject to continuing review and if desirable, modification, at such periodic intervals.

Continuing review of plan

16.—(1) For the purposes of developing any feature of a development plan, the Minister may, for and in the name of Her Majesty, acquire by purchase, lease or otherwise, or, subject to *The Expropriations Act*, without the consent of the owner, enter upon, take and expropriate and hold any land or interest therein within the area covered by the plan, and sell, lease or otherwise dispose of any such land or interest therein.

Power to acquire land
R.S.O. 1970,
c. 154

(2) The Lieutenant Governor in Council may designate any minister of the Crown in respect of any land acquired under subsection 1, and thereupon the minister so designated may, for the purpose of developing any feature of the development plan,

Power of designated minister

- (a) clear, grade or otherwise prepare the land for development or may construct, repair or improve buildings, works and facilities thereon; or
- (b) sell, lease or otherwise dispose of any of such land or interest therein.

17. Where a municipality is invited to submit proposals to the Minister under section 12 to resolve a conflict between a local plan or zoning by-law and a development plan or is required under section 14 to prepare and adopt a local plan or pass a zoning by-law or by-laws, the Minister may, out of the moneys appropriated therefor by the Legislature, make grants to any such municipality towards the costs of preparing such proposals, plans or by-laws.

Grants

Financial
assistance

18. Where a development plan is in effect, the Minister may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any person, organization or corporation, including a municipal corporation, undertaking any policy or program that implements the plan.

Application
of Act to
1973, c. . . .

19. This Act does not apply to the Niagara Escarpment Planning Area established under *The Niagara Escarpment Planning and Development Act, 1973*, except as otherwise provided under that Act.

Commence-
ment

20. This Act shall be deemed to have come into force on the 4th day of June, 1973.

Short title

21. This Act may be cited as *The Ontario Planning and Development Act, 1973*.

An Act to provide for Planning and
Development in Ontario

1st Reading

June 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

(Government Bill)

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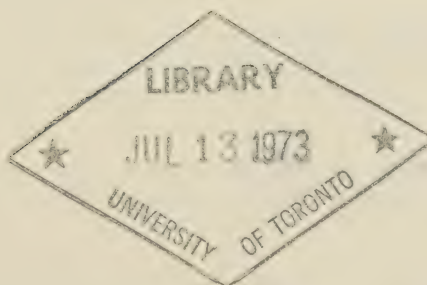
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Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for
Planning and Development in Ontario**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



An Act to provide for Planning and Development in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "development plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering any area of land in Ontario defined therein, designed to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts and maps describing the program and policy;
- (b) "local plan" means an official plan approved by the Minister or by the Ontario Municipal Board under *The Planning Act*;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "zoning by-law" means a by-law passed under section 35 of *The Planning Act* or any predecessor thereof and approved by the Ontario Municipal Board.

R.S.O. 1970,
c. 349

2.—(1) The Minister may by order establish as a development planning area any area of land in Ontario defined in the order.

Minister
may establish
development
planning
area

(2) Where a development planning area has been established under subsection 1, the Minister shall include in the order a direction that there be carried out an investigation and survey

Direction by
Minister to
prepare
development
plan

of the environmental, physical, social and economic conditions in relation to the development of the planning area or any part thereof, and that there be prepared within a period of two years or such other period of time as the Minister in his order determines, a development plan for the planning area or part thereof.

Order to be
laid before
Assembly

(3) Where any order is made under subsection 1, the Minister shall, on the day the order is made, or as soon thereafter as is practicable, lay the order before the Assembly if it is in session, or if not, at the commencement of the next ensuing session and the Assembly shall, by resolution declare the order approved, revoked or varied.

Advisory
committees

3. The Minister shall establish two or more advisory committees, consisting of such persons as the Minister appoints, one of which will represent the municipalities in the development planning area in whole or in part and one of which will be broadly representative of the people of the development planning area, to advise and make recommendations to the Minister in respect of the preparation and implementation of any development plan and to perform any other function given to them by the Minister.

Consultation
with
municipalities

4. In respect of an area for which a development plan is being prepared, the Minister shall ensure that the council of each municipality within the area is consulted with respect to the proposed contents of the plan.

Contents of
plan

5. A development plan may contain,

- (a) policies for the economic, social and physical development of the area covered by the plan in respect of,
 - (i) the general distribution and density of population,
 - (ii) the general location of industry and commerce, the identification of major land use areas and the provision of major parks and open space and the policies in regard to the acquisition of lands,
 - (iii) the management of land and water resources,
 - (iv) the control of all forms of pollution of the natural environment,
 - (v) the general location and development of major servicing, communication and transportation systems,

- (vi) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
- (vii) such other matters as are, in the opinion of the Minister, advisable;
- (b) policies relating to the financing and programming of public development projects and capital works;
- (c) policies to co-ordinate planning and development among municipalities within an area or within separate areas, defined by the Minister; and
- (d) such policies as are, in the opinion of the Minister, advisable for the implementation of the plan.

6.—(1) In respect of an area for which a development plan is being prepared, the Minister shall ensure that,

Proposed
plan to be
furnished
to muni-
cipalities, etc.

- (a) each municipality within the area is furnished with a copy of the proposed plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to it, as is specified;
- (b) a notice is published in one or more newspapers having general circulation in the area notifying the public of the proposed plan, indicating where a copy of the plan together with the material used in preparation thereof mentioned in subsection 5 can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified; and
- (c) any advisory committee appointed under section 3 and empowered under that section to make recommendations relating to the preparation and implementation of a development plan covering the area is furnished with a copy of the proposed plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to the committee, as is specified.

(2) After the expiration of the time for the making of comments on the proposed plan, the Minister shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within

Hearing
officer

the area for the purpose of receiving representations respecting the contents of the plan by any person desiring to make representations.

Notice of
hearing

(3) The hearing officer shall fix the time and place for the hearing or hearings as determined under subsection 2, and shall publish notice thereof in one or more newspapers having in his opinion general circulation in the area.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing.

Procedure
at hearing

(5) At any such hearing the Minister or officials of the Ministry shall present the proposed plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the plan may be questioned on any aspect of the plan by any interested person.

Report of
hearing
officer

(6) Not less than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Minister prescribes the hearing officer shall report to the Minister a summary of the representations made together with a report stating whether the plan should be accepted, rejected or modified, giving his reasons therefor.

Inspection
of report

(7) A copy of the report of the hearing officer shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the area, and in such other offices and locations as the Minister determines for inspection by any person desiring to do so.

Submission
of plan to
Lieutenant
Governor in
Council

(8) After giving consideration to the comments received and the report of the hearing officer, the Minister shall submit the proposed plan with his recommendations thereon to the Lieutenant Governor in Council.

When report
not approved

(9) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report of the hearing officer be approved, then the Minister shall give public notice to this effect, state his intention, and a period of 21 days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

(10) The Lieutenant Governor in Council may approve the plan, or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the plan is the development plan for the area defined in it. Approval of plan by Lieutenant Governor in Council

7.—(1) A copy of every development plan and of every amendment or modification thereto certified by the Minister shall be lodged forthwith with the clerk of each municipality, all or part of which is within the area covered by the plan. Lodging of plan

(2) A copy of every development plan and of every amendment or modification thereto certified by the Minister shall be lodged forthwith in every land registry office of lands within the area covered by the plan, where it shall be made available to the public as a production. Idem

8.—(1) An amendment to any development plan that is in effect may be initiated by the Minister, and application may be made to the Minister by any person, ministry or municipality requesting an amendment to the plan. Amendment to plan

(2) Where the Minister initiates an amendment to a development plan or, subject to subsection 3, where the Minister receives an application requesting an amendment to a plan, the provisions of this Act in respect of a development plan relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the consideration of the proposed amendment, following which the Minister shall submit the amendment with his recommendations thereon to the Lieutenant Governor in Council and the Lieutenant Governor in Council may refuse to approve the amendment or may approve it or may approve the amendment with such modifications as the Lieutenant Governor in Council considers desirable, and in the event an amendment is approved, the development plan as so amended is thereupon the development plan for the area defined in it. Approval of amendment to plan by Lieutenant Governor in Council

(3) Where, in the opinion of the Minister, an application for an amendment is not made in good faith, or is frivolous or is made only for the purpose of delay, the Minister shall inform the applicant in writing of his opinion and notify the applicant that unless he makes written representations thereon to the Minister within such time as the Minister specifies in the notice, not being less than fifteen days from the time the notice is given, the provisions of subsection 2 in respect of the consideration of the amendment shall not apply, and approval of the amendment shall be deemed to be refused. Frivolous, etc., applications

(4) Where representations are made to the Minister under subsection 3, the Minister, after giving consideration thereto, Idem

shall inform the applicant in writing either that the Minister's opinion is confirmed and that approval of the amendment is deemed to be refused or that he has directed that consideration of the amendment be proceeded with in accordance with subsection 2.

By-laws, etc.,
to conform
to plan

9.—(1) Notwithstanding any other general or special Act, where there is a development plan,

- (a) no municipality or local board having jurisdiction in the area covered by the plan, or in any part thereof, and no ministry, shall undertake any improvement of a structural nature or any other undertaking within the area covered by the development plan; and
- (b) no municipality having jurisdiction in such area shall pass a by-law for any purpose,

that is in conflict with the development plan.

Minister may
deem by-law,
etc., conforms
to plan

(2) The Minister, upon the application of the council of a municipality having jurisdiction in the area covered by a development plan, or in any part thereof, may, in writing, declare that a by-law, improvement or other undertaking of such municipality shall be deemed not to conflict with the development plan, if the Minister is of the opinion that the by-law, improvement or other undertaking conforms with the general intent and purpose of the development plan.

Conflict

10. Notwithstanding any other general or special Act, where a development plan is in effect in any area and there is a conflict between any provision of the development plan and any provision of a local plan or any provision of a zoning by-law covering part or all of the same area, then the provision of the development plan prevails.

Minister may
require
submission of
proposals to
resolve
conflict

11.—(1) Where, in the opinion of the Minister, a local plan or a zoning by-law is in conflict with the provisions of any development plan that covers in whole or in part the same area, the Minister shall advise the council of the municipality that adopted the local plan or that passed the zoning by-law of the particulars wherein the local plan or zoning by-law conflicts with the development plan and shall invite the municipality to submit, within such time as the Minister specifies, proposals for the resolution of the conflict.

Power of
Minister to
amend
local plan

(2) Where the council of a municipality fails to submit proposals to resolve the conflict within the time specified by the Minister, or where after consultation with the Minister

on such proposals, the conflict cannot be resolved and the Minister so notifies in writing the council of the municipality, the Minister may by order amend the local plan so as to make it conform to the development plan, and the order when made shall have the same effect as though it were an amendment to the local plan made by the council of the municipality and approved by the Minister.

12. Nothing in this Act derogates from the power of the Minister to make an order under clause *a* of subsection 1 of section 32 of *The Planning Act* and, notwithstanding subsection 4 of the said section 32, where there is a development plan in effect in the area to be covered by the order, any such order may be made that does not conform to a local plan in effect in the area, provided the order conforms to the development plan.

Power of
Minister
re zoning
R.S.O. 1970,
c. 349

13. Where a development plan is in effect in a municipality or any part thereof and the municipality does not have a local plan in effect or has not passed a zoning by-law or by-laws covering the municipality or that part of the municipality covered by the development plan, the council of the municipality, upon being notified in writing by the Minister of that fact, shall, within such time as is specified in the notice, prepare and adopt a local plan or pass a zoning by-law or by-laws that conform to the development plan and submit to the Minister the local plan for approval or submit to the Ontario Municipal Board the zoning by-law or by-laws for approval, as the case requires.

Minister
may require
adoption
of local plan
or passage of
zoning by-law

14.—(1) Not later than five years from the day on which a development plan comes into effect, the Minister shall cause a review of the plan to be undertaken, and the provisions of this Act in respect of a development plan relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the review, following which the Minister shall submit to the Lieutenant Governor in Council a report on the review of the development plan with his recommendations thereon.

Review of
plan

(2) The Lieutenant Governor in Council may confirm the development plan or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the confirmed plan or the modified plan as the case may be is the development plan for the area defined in it.

Lieutenant
Governor in
Council may
confirm plan
or approve
modifications

(3) Subsections 1 and 2 apply *mutatis mutandis* to the confirmed or modified development plan, and so on at intervals of not greater than five years, to the end that every develop-

Continuing
review of
plan

ment plan shall be subject to continuing review and if desirable, modification, at such periodic intervals.

Power to
acquire land

R.S.O. 1970,
c. 154

15.—(1) For the purposes of developing any feature of a development plan, the Minister may, for and in the name of Her Majesty, acquire by purchase, lease or otherwise, or, subject to *The Expropriations Act*, without the consent of the owner, enter upon, take and expropriate and hold any land or interest therein within the area covered by the plan, and sell, lease or otherwise dispose of any such land or interest therein.

Power of
designated
minister

(2) The Lieutenant Governor in Council may designate any minister of the Crown in respect of any land acquired under subsection 1, and thereupon the minister so designated may, for the purpose of developing any feature of the development plan,

(a) clear, grade or otherwise prepare the land for development or may construct, repair or improve buildings, works and facilities thereon; or

(b) sell, lease or otherwise dispose of any of such land or interest therein.

Grants

16. Where a municipality is invited to submit proposals to the Minister under section 11 to resolve a conflict between a local plan or zoning by-law and a development plan or is required under section 13 to prepare and adopt a local plan or pass a zoning by-law or by-laws, the Minister may, out of the moneys appropriated therefor by the Legislature, make grants to any such municipality towards the costs of preparing such proposals, plans or by-laws or towards those expenditures incurred in preparing local plans and zoning by-laws which are rendered invalid by a development plan.

Financial
assistance

17. Where a development plan is in effect, the Minister may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any person, organization or corporation, including a municipal corporation, undertaking any policy or program that implements the plan.

Application
of Act to
1973, c. 52

18. This Act does not apply to the Niagara Escarpment Planning Area established under *The Niagara Escarpment Planning and Development Act, 1973*, except as otherwise provided under that Act.

Commence-
ment

19. This Act shall be deemed to have come into force on the 4th day of June, 1973.

Short title

20. This Act may be cited as *The Ontario Planning and Development Act, 1973*.

An Act to provide for Planning and
Development in Ontario

1st Reading

June 4th, 1973

2nd Reading

June 11th, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

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BILL 129

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for Planning and Development of
the Niagara Escarpment and its Vicinity**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill embodies many of the principles found in the Bill entitled *The Ontario Planning and Development Act, 1973*, and relates specifically to the development plan for the Niagara Escarpment and land in its vicinity. Variations from the Bill mentioned include the following:

1. The Niagara Escarpment Commission is established, with provision for representation on its membership from the localities to be affected by the Niagara Escarpment development plan, and to it is entrusted the preparation of that plan.
2. Any of the planning functions of the Commission may, at an appropriate time, be transferred by the Minister to the regional or county councils in the Niagara Escarpment Planning Area.
3. Provision is made for the designation of development control areas, within which no development may take place without a permit from the Minister; criteria for the issuance of such permits will be established by regulation and the Minister's authority with respect to the issuance of permits may be delegated in appropriate circumstances to the Commission and to a county or regional municipality in the Niagara Escarpment Planning Area.
4. Payments will be made in lieu of taxes by the Province to municipalities in respect of land owned by the Crown in the Niagara Escarpment Planning Area, the amount being determined on the same formula as set out in *The Provincial Parks Municipal Tax Assistance Act, 1971*.
5. Provision is made for agreements between a municipality and a land owner that will provide a fixed assessment on land whose assessment is increased by reason of its designation under the Niagara Escarpment Plan; such an agreement will remain in force while the use of the land is not in conformity with the designated use and the Province will re-imburse the municipality for its loss in tax revenue; these moneys will be recovered from the land owner on the termination of the agreement.

**An Act to provide for
Planning and Development of the
Niagara Escarpment and its Vicinity**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Niagara Escarpment Commission established under this Act;
- (b) "local plan" means an official plan approved by the Minister or by the Ontario Municipal Board under *The Planning Act*;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "Niagara Escarpment Plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering the Niagara Escarpment Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental and physical condition of the Area, and consisting of the texts and maps describing the program and policy;
- (f) "Niagara Escarpment Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;
- (g) "zoning by-law" means a by-law passed under section 35 of *The Planning Act* or any predecessor thereof and approved by the Ontario Municipal Board.

R.S.O. 1970,
c. 349

Purpose
of Act

2. The purpose of this Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.

Establish-
ment of
Niagara
Escarpment
Planning
Area

3. The Minister may, by order, establish as the Niagara Escarpment Planning Area the area of land in Ontario defined in the order.

Advisory
committees

4. The Minister may establish one or more advisory committees, consisting of such persons as the Minister appoints, to advise and make recommendations to the Minister, through the Commission, in respect of the preparation and implementation of the Niagara Escarpment Plan or any part thereof and to perform any other function given to it by the Minister.

Niagara
Escarpment
Commission
established

5.—(1) There is hereby established a commission, to be known as the Niagara Escarpment Commission, composed of seventeen members appointed by the Lieutenant Governor in Council as follows:

1. Nine members shall be appointed as representative of the public at large.
2. Of the eight remaining members, one shall be appointed from a list containing the names of not less than three persons submitted by the county council or regional council, as the case may be, of each county and regional municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area.

Term of
office

(2) Each member of the Commission shall hold office for such period of time as the Lieutenant Governor in Council determines.

Eligibility

(3) No person is eligible to be included in a list of persons submitted under paragraph 2 of subsection 1 unless he is a member or employee of the council of a municipality whose jurisdiction includes a part of the Niagara Escarpment Planning Area.

When
Commission
deemed
established

(4) The Commission shall be deemed to be established when a majority of the number of members has been appointed, and it may then proceed to carry out the functions conferred upon it under this Act, notwithstanding the remaining number of members has not been appointed.

(5) The Lieutenant Governor in Council may designate one ^{Chairman} of the members appointed under paragraph 1 of subsection 1 to be chairman of the Commission.

(6) Nine members of the Commission constitute a quorum. ^{Quorum}

(7) Members of the Commission shall receive such salary ^{Remunera-} and other remuneration as the Lieutenant Governor in Council ^{tion} from time to time determines.

(8) Such officers, clerks and servants as are considered ^{Staff} necessary from time to time for the purposes of the Commission may be appointed under *The Public Service Act*. ^{R.S.O. 1970, c. 386}

(9) Subject to the approval of the Minister, the Commission ^{Professional} may engage persons to provide professional, technical or ^{assistance} other assistance to the Commission.

(10) In the performance of its functions, the Commission ^{Seconding of} may be assisted by such persons in the public service of ^{staff to} Ontario as the Minister designates for the purpose. ^{Commission}

6. All expenditures, costs, charges and expenses incurred ^{Moneys} and payable in respect of the carrying out by the Commission of its functions, including the salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, shall be paid out of the moneys appropriated therefor by the Legislature.

7. When the Niagara Escarpment Planning Area has been ^{Niagara} established, the Commission shall, in respect of the Planning ^{Escarpment} Area or any part thereof, investigate and survey the environ- ^{Plan} mental, physical, social and economic conditions in relation to the development of the Planning Area or any part thereof, and prepare a plan suitable for approval as the Niagara Escarpment Plan.

8. During the course of the preparation of the Niagara ^{Consultation} Escarpment Plan, the Commission shall consult with the ^{during} minister, provincial secretary or other person having charge ^{preparation} of any affected ministry and with the council of each municip- ^{of plan} ality within or partly within the Niagara Escarpment Planning Area, with respect to the proposed contents of the Plan.

9. In preparing the Niagara Escarpment Plan, the objec- ^{Objectives} tives to be sought by the Commission in the Niagara Escarpment Planning Area shall be,

(a) to protect unique ecologic and historic areas;

- (b) to maintain and enhance the quality and character of natural streams and water supplies;
- (c) to provide adequate opportunities for outdoor recreation;
- (d) to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
- (e) to ensure that all new development is compatible with the purpose of this Act as expressed in section 2;
- (f) to provide for adequate public access to the Niagara Escarpment; and
- (g) to support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by *The Planning Act*.

R.S.O. 1970,
c. 349

Contents of
Plan

10. The Niagara Escarpment Plan may contain,

- (a) policies for the economic, social and physical development of the Niagara Escarpment Planning Area in respect of,
 - (i) the management of land and water resources,
 - (ii) the general distribution and density of population,
 - (iii) the general location of industry and commerce, the identification of major land use areas and the provision of major parks and open space,
 - (iv) the control of all forms of pollution of the natural environment,
 - (v) the general location and development of major servicing, communication and transportation systems,
 - (vi) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
 - (vii) such other matters as are, in the opinion of the Minister, advisable;

- (b) policies relating to the financing and programming of public development projects and capital works;
- (c) policies to co-ordinate the planning and development programs of the various ministries for the Niagara Escarpment Planning Area;
- (d) policies to co-ordinate planning and development among municipalities within the Niagara Escarpment Planning Area;
- (e) policies designed to ensure compatability of development by the private sector; and
- (f) such other policies as are, in the opinion of the Minister, advisable for the implementation of the Plan,

and shall contain such programs and policies as each minister, provincial secretary or other person having charge of a ministry desires to be incorporated in the Plan, in so far as the Commission considers it practicable.

11.—(1) During the course of preparation of the Niagara ^{Preparation of Plan} Escarpment Plan, the Commission shall,

- (a) furnish each local municipality within or partly within the Niagara Escarpment Planning Area with a copy of the proposed Plan and invite each such municipality to make comments thereon to the council of the county or regional municipality within which it is situate within such period of time, not being less than three months from the time the Plan is furnished to it, as is specified;
- (b) publish a notice in such newspapers having general circulation in any area that is within the Niagara Escarpment Planning Area as the Commission considers appropriate, notifying the public of the proposed Plan, indicating where a copy of the Plan can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified;
- (c) furnish copies of the proposed Plan to any regional advisory committee appointed under section 4 and invite any such committee to make comments thereon within such period of time, not being less than three months from the time the Plan is furnished to it as is specified; and

- (d) furnish a copy of the proposed Plan to each county and regional municipality within or partly within the Niagara Escarpment Planning Area and invite them, after giving consideration to the comments received from the local municipalities under clause a, to make comments on the proposed Plan to the Commission within such period of time, not being less than four months from the time the Plan is furnished to them, as is specified.

Hearing
officer

(2) After the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations.

Notice of
hearing

(3) The hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area, as the hearing officer considers appropriate.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing.

Report of
hearing
officer

(5) After the conclusion of the hearing or of the last hearing if more hearings than one are held, the hearing officer shall report to the Commission a summary of the representations made together with his opinion as to what, if any, modifications ought to be made to the Plan, and shall at the same time furnish the Minister with a copy of his report.

Submission
of Plan to
Minister

(6) After giving consideration to the comments received and the report of the hearing officer, the Commission shall submit the proposed Plan, with its recommendations thereon to the Minister.

Inspection
of proposed
plan and
report

(7) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

(8) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report of the hearing officer, the Minister shall submit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

(9) The Lieutenant Governor in Council may approve the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

12.—(1) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the Minister shall be lodged with the clerk of each municipality, all or part of which is within the Niagara Escarpment Planning Area.

(2) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the Minister shall be lodged in every land registry office of lands within the Niagara Escarpment Planning Area, where it shall be made available to the public as a production.

13.—(1) An amendment to the Niagara Escarpment Plan may be initiated by the Minister or by the Commission, and application may be made to the Commission by any person, ministry or municipality requesting an amendment to the Plan.

(2) Where the Minister or the Commission initiates an amendment to the Niagara Escarpment Plan or, subject to subsection 3, where the Commission receives an application requesting an amendment to the Plan, the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the consideration of the proposed amendment, following which the Minister shall submit the amendment with his recommendations thereon to the Lieutenant Governor in Council and the Lieutenant Governor in Council may refuse to approve the amendment or may approve it or may approve the amendment with such modifications as the Lieutenant Governor in Council considers desirable, and in the event an amendment is approved, the Plan as so amended is thereupon the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

(3) Where in the opinion of the Commission an application for an amendment is not made in good faith, or is frivolous or is made only for the purpose of delay, the Commission shall

inform the Minister of its opinion and where the Minister concurs in that opinion the Minister shall inform the applicant in writing of his opinion and notify the applicant that unless he makes written representations thereon to the Minister within such time as is specified in the notice, the provisions of subsection 2 in respect of the consideration of the amendment shall not apply, and approval of the amendment shall be deemed to be refused.

Idem

(4) Where representations are made to the Minister under subsection 3, the Minister, after giving consideration thereto, shall inform the applicant in writing either that the Minister's opinion is confirmed and that approval of the amendment is deemed to be refused or that he has directed that consideration of the amendment be proceeded with in accordance with subsection 2.

By-laws, etc.,
to conform
to Plan

14.—(1) Notwithstanding any other general or special Act, when the Niagara Escarpment Plan is in effect,

(a) no municipality or local board having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, and no ministry, shall undertake any improvement of a structural nature or any other undertaking within the Area; and

(b) no municipality having jurisdiction in such Area shall pass a by-law for any purpose,

that is in conflict with the Niagara Escarpment Plan.

Minister may
deem by-law,
etc., conforms
to Plan

(2) The Minister, upon the application of the council of a municipality having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, may, in writing, declare that a by-law, improvement or other undertaking of such municipality shall be deemed not to conflict with the Niagara Escarpment Plan, if the Minister is of the opinion that the by-law, improvement or undertaking conforms with the general intent and purpose of the Plan.

Conflict

15. Notwithstanding any other general or special Act, where the Niagara Escarpment Plan is in effect and there is a conflict between any provision of the Plan and any provision of a local plan or any provision of a zoning by-law covering any part of the Niagara Escarpment Planning Area, then the provision of the Niagara Escarpment Plan prevails.

Minister
may require
submission
of proposals
to resolve
conflict

16.—(1) Where in the opinion of the Minister a local plan or a zoning by-law that covers any part of the Niagara Escarpment Planning Area is in conflict with the provisions

of the Niagara Escarpment Plan, the Minister shall advise the council of the municipality that adopted the local plan or that passed the zoning by-law of the particulars wherein the local plan or zoning by-law conflicts with the Niagara Escarpment Plan and shall invite the municipality to submit, within such time as the Minister specifies, proposals for the resolution of the conflict.

(2) Where the council of the municipality fails to submit proposals to resolve the conflict within the time specified by the Minister, or where after consultation with the Minister on such proposals the conflict cannot be resolved, and the Minister so notifies in writing the council of the municipality, the Minister may by order amend the local plan so as to make it conform to the Niagara Escarpment Plan, and the order when made shall have the same effect as though it were an amendment to the local plan made by the council of the municipality and approved by the Minister.

17. Where the Niagara Escarpment Plan is in effect in a municipality or any part thereof and the municipality does not have a local plan in effect or has not passed a zoning by-law or by-laws covering the municipality or that part of the municipality covered by the Plan, the council of the municipality, upon being notified in writing by the Minister of that fact, shall, within such time as is specified in the notice, prepare and adopt a local plan or pass a zoning by-law or by-laws that conform to the Niagara Escarpment Plan and submit to the Minister the local plan for approval or submit to the Ontario Municipal Board the zoning by-law or by-laws for approval, as the case requires.

18.—(1) Not later than five years from the day on which the Niagara Escarpment Plan comes into effect, the Minister shall cause a review of the Plan to be undertaken, and the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis* to the review, following which the Minister shall submit to the Lieutenant Governor in Council a report on the review of the Plan with his recommendations thereon.

(2) The Lieutenant Governor in Council may confirm the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the confirmed Plan or the modified Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

(3) Subsections 1 and 2 apply *mutatis mutandis* to the confirmed or modified Niagara Escarpment Plan, and so on at intervals of not greater than five years, to the end that

the Plan shall be subject to continuing review and if desirable, modification, at such periodic intervals.

Power to
acquire land
R.S.O. 1970,
c. 154

19.—(1) For the purposes of developing any feature of the Niagara Escarpment Plan, the Minister may, for and in the name of Her Majesty, acquire by purchase, lease or otherwise, or, subject to *The Expropriations Act*, without the consent of the owner, enter upon, take and expropriate and hold any land or interest therein within the Niagara Escarpment Planning Area and sell, lease or otherwise dispose of any such land or interest therein.

Power of
designated
minister

(2) The Lieutenant Governor in Council may designate any minister of the Crown in respect of any land acquired under subsection 1, and thereupon the minister so designated may, for the purpose of developing any feature of the Niagara Escarpment Plan,

(a) clear, grade or otherwise prepare the land for development or may construct, repair or improve buildings, works and facilities thereon; or

(b) sell, lease or otherwise dispose of any of such land or interest therein.

Grants

20. Where a municipality is invited to submit proposals to the Minister under section 16 to resolve a conflict between a local plan or zoning by-law and the Niagara Escarpment Plan or is required under section 17 to prepare and adopt a local plan or pass a zoning by-law or by-laws, the Minister may, out of the moneys appropriated therefor by the Legislature, make grants to any such municipality towards the costs of preparing such proposals, plans or by-laws.

Financial
assistance

21. When the Niagara Escarpment Plan is in effect, the Minister may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any person, organization or corporation, including a municipal corporation, undertaking any policy or program that implements the Plan.

Transfer of
Commission
functions

22.—(1) Where, in the opinion of the Lieutenant Governor in Council, the Niagara Escarpment Plan has been substantially completed for any part of the Niagara Escarpment Planning Area, the Lieutenant Governor in Council may, by order, and subject to such terms and conditions as he considers appropriate, transfer any of the functions of the Commission to the council of a regional municipality or the council of a county.

(2) No order shall be made under subsection 1 except ^{Limitation} upon application made to the Lieutenant Governor in Council by the council of the regional municipality or county, and every such application shall include a statement of the administrative procedures intended to be followed in the exercise of such functions.

23. The Minister may make regulations,

^{Regulations}

- (a) designating any area or areas of land within the Niagara Escarpment Planning Area as an area of development control;
- (b) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof; ^{R.S.O. 1970, c. 349}
- (c) providing for the issuance of development permits and prescribing terms and conditions of permits;
- (d) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;
- (e) prescribing the form of application for a development permit.

24.—(1) Notwithstanding any other general or special Act, ^{Development permits} where an area of development control is established by regulation made under section 23, no person shall undertake any development in the area unless such development is exempt under the regulations or he is the holder of a development permit issued by the Minister, or where the Minister has under section 25 delegated his authority to the Commission or to a county or to a regional municipality, issued by the Commission or by the county or regional municipality, as the case may be.

(2) The Minister may, where he issues a development ^{Terms and conditions} permit under subsection 1, attach such terms and conditions thereto as he considers desirable.

(3) No building permit or other permit relating to develop- ^{Other permits} ment shall be issued in respect of any land, building or structure within an area of development control, unless a development permit has been issued under this Act relating to such land, building or structure, and no such building

or other permit shall be issued that does not conform to the development permit.

Offence (4) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

Order to demolish, etc. (5) Where any person undertakes any development that is in contravention of subsection 1, the Minister may order such person to demolish any building or structure erected in connection with the development or to restore the site to the condition it was in prior to the undertaking of the development, or both, within such time as the order specifies.

Cost of work (6) Where a person to whom an order is directed under subsection 5 fails to comply with the order within the time specified in it, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which cost may be recovered with costs, as a debt due to Her Majesty, in any court of competent jurisdiction.

Delegation to Commission **25.**—(1) Subject to subsection 2, the Minister may in writing, and subject to such conditions as he considers appropriate, delegate to the Commission, or to a county or regional municipality having jurisdiction in the Niagara Escarpment Planning Area, or any part thereof, authority to issue development permits.

Limitation (2) No delegation shall be made under subsection 1 to a county or a regional municipality except upon application made to the Minister by the council of the county or regional municipality, and every such application shall include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

Withdrawal of delegation (3) The Minister may in writing withdraw any delegation made under subsection 1 where, in his opinion, it is in the public interest to do so.

Application (4) Where the Minister has delegated his authority under subsection 1 to the Commission or to a county or regional municipality, the provisions of subsections 1 to 7 of section 26 in respect of the issuance of a development permit apply *mutatis mutandis*, and any reference in those subsections to the Minister shall be deemed to be a reference to the Commission or to the county or regional municipality, as the case may require, to whom the authority has been delegated.

Notification of decision (5) The Commission, or a county or regional municipality to whom the Minister has delegated his authority under

subsection 1, shall by regular or registered mail cause a copy of the decision made by it on any application for a development permit to be mailed to the Minister, to the applicant for the permit and to all assessed owners of land lying within 1,000 feet of the land that is the subject of the application and every copy of such decision shall include a notice specifying that any person receiving a copy of the decision, other than the Minister, may, within fourteen days of the mailing of it, appeal in writing to the Minister against the decision.

(6) Where the Minister receives a copy of a decision under subsection 5 he may, within fourteen days of the mailing of it, request the Lieutenant Governor in Council to appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision. ^{Hearing officer}

(7) Where the Lieutenant Governor in Council appoints a hearing officer at the request of the Minister under subsection 6, the provisions of subsections 9, 10 and 11 apply *mutatis mutandis* and any reference in those subsections to the Minister shall be deemed to be a reference to the Lieutenant Governor in Council. ^{Application}

(8) Where the Minister receives one or more notices of appeal under subsection 5 he shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision. ^{Hearing officer, appointment by Minister}

(9) The officer appointed to inquire under subsection 8 shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to each person to whom notice of the decision was sent under subsection 5. ^{Time of hearing}

(10) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made, together with his opinion on the merits of the decision. ^{Report}

(11) After giving consideration to the report of the officer, the Minister may confirm the decision or he may vary the decision or make any other decision that in his opinion ought to have been made and the decision of the Minister under this section is final. ^{Power of Minister to confirm, etc., decision}

26.—(1) Where the Minister has not delegated his authority under section 25 and he receives an application for a development permit the Minister shall, by personal service or by regular or registered mail, cause a written notice of the application, together with a brief statement of the nature of the application, to be delivered or mailed to all assessed ^{Notice of application}

owners of land lying within 1,000 feet of the land that is the subject of the application and every such notice shall specify the time within which any person receiving it may file with the Minister written notice of his objection to the issuance of a development permit.

Minister
may issue,
etc., permit

(2) Subject to subsection 7, unless within the time specified in the notice referred to in subsection 1 a notice objecting to the issuance of a development permit is filed with the Minister, he may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable.

Hearing
officer,
appointment
by Minister

(3) Where a notice of objection to the issuance of a development permit is filed with the Minister within the time specified in the notice referred to in subsection 1, the Minister shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the issuance of the development permit.

Time of
hearing

(4) The officer appointed to inquire under subsection 3 shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to the applicant for the development permit and to each person to whom notice of the application was sent under subsection 1.

Report

(5) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made together with his opinion on the merits of the application for the development permit.

Minister
may issue,
etc., permit

(6) After giving consideration to the report of the officer appointed to inquire into the matter, the Minister may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable.

Hearing
officer,
appointment
by Minister

(7) The Minister where he considers it desirable may, and at the request of the applicant for the development permit made at the time of submitting his application to the Minister shall, appoint an officer for the purpose of conducting a hearing into the matter, and where the Minister does so the provisions of subsections 4, 5 and 6 apply *mutatis mutandis*.

Decision
final

(8) The decision of the Minister made under this section is final.

Determina-
tion of
number of
acres of land
owned by
Crown

27.—(1) Every local municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area shall annually, on or before the 1st day of February, determine

and advise the Minister of the number of acres to the nearest whole acre of all land in such municipality situate within the Planning Area and owned on the next preceding 1st day of January by Her Majesty in right of Ontario.

(2) The Minister may revise the number of acres so determined by a local municipality and where he does so the determination of the number of acres by the Minister is, for the purposes of this section, final. Determination by Minister

(3) Commencing with the year 1973, the Minister may, out of the moneys appropriated therefor by the Legislature, pay in each year to such municipality, Payments

(a) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres; or

(b) \$100,

whichever is the greater.

(4) Notwithstanding subsection 3, when an amount of money is payable to any such local municipality in the same year in respect of any part of such land under *The Provincial Parks and Municipal Tax Assistance Act, 1971* or under *The Municipal Tax Assistance Act*, no payment shall be made under this section in respect of that land. Deduction of moneys paid under 1971, c. 78 and R.S.O. 1970, c. 292

(5) The annual determination required under subsection 1 shall be made for the purposes of payments in 1973 as soon as is practicable after the coming into force of this Act. Determination for 1973

28. The assessment of a local municipality that receives a payment under section 27 that is used for apportioning, Assessment deemed increased

(a) a county rate under section 72 of *The Assessment Act*; or R.S.O. 1970, c. 32

(b) a regional levy under any Act establishing a regional municipality,

shall be deemed to be increased by an amount that would have produced the amount of payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

29.—(1) Where the use of any land within the Niagara Escarpment Planning Area is not in conformity with the use designated for such land in the Niagara Escarpment Plan or Agreement for fixed use assessment

in any local plan covering such land, and the assessment of such land is increased because of such designation, the local municipality in which the land is situate and the owner of the land may, with the approval of the Minister, enter into an agreement providing for a fixed assessment for the land reflecting the use to which the land is being put, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

Term of agreement	(2) Every such agreement shall be for such term of years not exceeding three as the Minister approves and the Minister may, in granting his approval, attach such terms and conditions thereto as he considers appropriate.
Procedure	(3) Where a parcel of land has a fixed assessment under subsection 1,
assessment	(a) the land shall be assessed in each year as if it did not have a fixed assessment;
taxes	(b) the treasurer of the local municipality shall calculate each year what the taxes would have been on the land if it did not have a fixed assessment;
record	(c) the treasurer shall keep a record of the difference between the taxes paid each year and the taxes that would have been paid if the land did not have a fixed assessment and shall debit the land with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date.
Payment to municipality	(4) The Minister may, out of the moneys appropriated therefor by the Legislature, pay in each year to a local municipality in respect of which an agreement made under subsection 1 is in force, an amount of money equal to the difference in the taxes paid pursuant to the agreement and the taxes that would have been paid if the land covered by the agreement did not have a fixed assessment.
Apportionment	(5) Where a local municipality receives an amount of money under subsection 4, the council of the local municipality shall apportion the amount to each body in the same manner as taxes would have been apportioned if taxes had been levied in the normal manner on the assessment in accordance with clause <i>a</i> of subsection 3.
When agreement terminated	(6) Where the land or a part thereof that is subject to an agreement under subsection 1 ceases to be put to the use that

was the basis for determining the fixed assessment, the agreement is thereupon terminated with respect to the land or such part thereof.

(7) Any agreement entered into under subsection 1 may be registered against the land affected by the agreement and when registered such agreement runs with the land and the provisions thereof are binding upon and enure to the benefit of the owner of the land and, subject to the provisions of *The Registry Act*, any and all subsequent owners of the land.

Registration
of agreement

R.S.O. 1970,
c. 409

(8) Where an agreement is for any reason terminated in respect of the whole of the land, the owner shall pay to the local municipality the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3.

Termination
of agreement,
as to all
lands

(9) Where an agreement is for any reason terminated in respect of a part of the land, the owner shall pay to the local municipality that portion of the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3, that is attributable to the portion of the land in respect of which the agreement is terminated.

as to part
of lands

(10) Where a local municipality receives a payment under subsection 8 or 9, the treasurer of the municipality shall forthwith pay the amount of money received, including the amount of debited interest, to the Minister.

Payment to
Minister

(11) An agreement may be terminated on the 31st day of December in any year upon the owner of the land that is the subject of the agreement giving six months notice of such termination in writing to the municipality.

Termination
of agreement
by owner

(12) For the purposes of an apportionment required under any Act, the assessment used as the basis for such apportionment shall include the assessment determined under clause *a* of subsection 3.

Apportion-
ment

30. This Act shall be deemed to have come into force on the 4th day of June, 1973.

Commence-
ment

31. This Act may be cited as *The Niagara Escarpment Planning and Development Act, 1973*.

Short title

An Act to provide for Planning and
Development of the Niagara Escarpment
and its Vicinity

1st Reading

June 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

(Government Bill)

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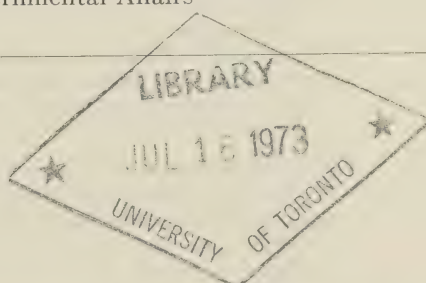
Government
Publications

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for Planning and Development of
the Niagara Escarpment and its Vicinity**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Resources Development Committee)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill embodies many of the principles found in the Bill entitled *The Ontario Planning and Development Act, 1973*, and relates specifically to the development plan for the Niagara Escarpment and land in its vicinity. Variations from the Bill mentioned include the following:

1. The Niagara Escarpment Commission is established, with provision for representation on its membership from the localities to be affected by the Niagara Escarpment development plan, and to it is entrusted the preparation of that plan.
2. Any of the planning functions of the Commission may, at an appropriate time, be transferred by the Minister to the regional or county councils in the Niagara Escarpment Planning Area.
3. Provision is made for the designation of development control areas, within which no development may take place without a permit from the Minister; criteria for the issuance of such permits will be established by regulation and the Minister's authority with respect to the issuance of permits may be delegated in appropriate circumstances to the Commission and to a county or regional municipality in the Niagara Escarpment Planning Area.
4. Payments will be made in lieu of taxes by the Province to municipalities in respect of land owned by the Crown in the Niagara Escarpment Planning Area, the amount being determined on the same formula as set out in *The Provincial Parks Municipal Tax Assistance Act, 1971*.
5. Provision is made for agreements between a municipality and a land owner that will provide a fixed assessment on land whose assessment is increased by reason of its designation under the Niagara Escarpment Plan; such an agreement will remain in force while the use of the land is not in conformity with the designated use and the Province will re-imburse the municipality for its loss in tax revenue; these moneys will be recovered from the land owner on the termination of the agreement.

**An Act to provide for
Planning and Development of the
Niagara Escarpment and its Vicinity**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Niagara Escarpment Commission established under this Act;
- (b) "local plan" means an official plan approved by the Minister or by the Ontario Municipal Board under *The Planning Act*;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "Niagara Escarpment Plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering the Niagara Escarpment Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental and physical condition of the Area, and consisting of the texts and maps describing the program and policy;
- (f) "Niagara Escarpment Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;
- (g) "zoning by-law" means a by-law passed under section 35 of *The Planning Act* or any predecessor thereof and approved by the Ontario Municipal Board.

R.S.O. 1970.
c. 349

Purpose
of Act

2. The purpose of this Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.

Establish-
ment of
Niagara
Escarpment
Planning
Area

3.—(1) The Minister may, by order, establish as the Niagara Escarpment Planning Area the area of land in Ontario defined in the order.

Direction by
Minister to
prepare
Niagara
Escarpment
Plan

(2) Where the Niagara Escarpment Planning Area has been established under subsection 1, the Minister shall include in the order a direction to the Commission that it carry out an investigation and survey of the environmental, physical, social and economic conditions in relation to the development of the Planning Area or any part thereof, and that there be prepared within a period of two years or such other period of time as the Minister in his order determines, a plan suitable for approval as the Niagara Escarpment Plan.

Order to be
laid before
Assembly

(3) Where any order is made under subsection 1, the Minister shall, on the day the order is made, or as soon thereafter as is practicable, lay the order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order approved, revoked or varied.

Advisory
committees

4. The Minister shall establish two or more advisory committees, consisting of such persons as the Minister appoints, one of which will represent the municipalities in the Niagara Escarpment Planning Area in whole or in part and one of which will be broadly representative of the people of the Planning Area, to advise and make recommendations to the Minister, through the Commission, in respect of the preparation and implementation of the Niagara Escarpment Plan and to perform any other function given to them by the Minister.

Niagara
Escarpment
Commission
established

5.—(1) There is hereby established a commission, to be known as the Niagara Escarpment Commission, composed of seventeen members appointed by the Lieutenant Governor in Council as follows:

1. Nine members shall be appointed as representative of the public at large.
2. Of the eight remaining members, one shall be appointed from a list containing the names of not less than three persons submitted by the county council or regional council, as the case may be, of each

county and regional municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area.

(2) Each member of the Commission shall hold office for such period of time as the Lieutenant Governor in Council determines. ^{Term of office}

(3) No person is eligible to be included in a list of persons submitted under paragraph 2 of subsection 1 unless he is a member or employee of the council of a municipality whose jurisdiction includes a part of the Niagara Escarpment Planning Area. ^{Eligibility}

(4) The Commission shall be deemed to be established when a majority of the number of members has been appointed, and it may then proceed to carry out the functions conferred upon it under this Act, notwithstanding the remaining number of members has not been appointed. ^{When Commission deemed established}

(5) The Lieutenant Governor in Council may designate one of the members appointed under paragraph 1 of subsection 1 to be chairman of the Commission. ^{Chairman}

(6) Nine members of the Commission constitute a quorum. ^{Quorum}

(7) Members of the Commission shall receive such salary and other remuneration as the Lieutenant Governor in Council from time to time determines. ^{Remuneration}

(8) Such officers, clerks and servants as are considered necessary from time to time for the purposes of the Commission may be appointed under *The Public Service Act*. ^{Staff}
 ^{R.S.O. 1970, c. 386}

(9) Subject to the approval of the Minister, the Commission may engage persons to provide professional, technical or other assistance to the Commission. ^{Professional assistance}

(10) In the performance of its functions, the Commission may be assisted by such persons in the public service of Ontario as the Minister designates for the purpose. ^{Seconding of staff to Commission}

6. All expenditures, costs, charges and expenses incurred and payable in respect of the carrying out by the Commission of its functions, including the salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, shall be paid out of the moneys appropriated therefor by the Legislature. ^{Moneys}

Consultation
during
preparation
of plan

7. During the course of the preparation of the Niagara Escarpment Plan, the Commission shall consult with the minister, provincial secretary or other person having charge of any affected ministry and with the council of each municipality within or partly within the Niagara Escarpment Planning Area, with respect to the proposed contents of the Plan.

Objectives

8. In preparing the Niagara Escarpment Plan, the objectives to be sought by the Commission in the Niagara Escarpment Planning Area shall be,

- (a) to protect unique ecologic and historic areas;
- (b) to maintain and enhance the quality and character of natural streams and water supplies;
- (c) to provide adequate opportunities for outdoor recreation;
- (d) to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
- (e) to ensure that all new development is compatible with the purpose of this Act as expressed in section 2;
- (f) to provide for adequate public access to the Niagara Escarpment; and
- (g) to support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by *The Planning Act*.

R.S.O. 1970,
c. 349

Contents of
Plan

9. The Niagara Escarpment Plan may contain,

- (a) policies for the economic, social and physical development of the Niagara Escarpment Planning Area in respect of,
 - (i) the management of land and water resources,
 - (ii) the general distribution and density of population,
 - (iii) the general location of industry and commerce, the identification of major land use areas and the provision of major parks and open space and the policies in regard to the acquisition of lands,

- (iv) the control of all forms of pollution of the natural environment,
 - (v) the general location and development of major servicing, communication and transportation systems,
 - (vi) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
 - (vii) such other matters as are, in the opinion of the Minister, advisable;
- (b) policies relating to the financing and programming of public development projects and capital works;
 - (c) policies to co-ordinate the planning and development programs of the various ministries for the Niagara Escarpment Planning Area;
 - (d) policies to co-ordinate planning and development among municipalities within the Niagara Escarpment Planning Area;
 - (e) policies designed to ensure compatibility of development by the private sector; and
 - (f) such other policies as are, in the opinion of the Minister, advisable for the implementation of the Plan,

and shall contain such programs and policies as each minister, provincial secretary or other person having charge of a ministry desires to be incorporated in the Plan, in so far as the Commission considers it practicable.

10.—(1) During the course of preparation of the Niagara ^{Preparation of Plan} Escarpment Plan, the Commission shall,

- (a) furnish each local municipality within or partly within the Niagara Escarpment Planning Area with a copy of the proposed Plan and invite each such municipality to make comments thereon to the council of the county or regional municipality within which it is situate within such period of time, not being less than three months from the time the Plan is furnished to it, as is specified;
- (b) publish a notice in such newspapers having general circulation in any area that is within the Niagara

Escarpment Planning Area as the Commission considers appropriate, notifying the public of the proposed Plan, indicating where a copy of the Plan together with the material used in the preparation thereof mentioned in subsection 5, can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified;

- (c) furnish copies of the proposed Plan to any advisory committee appointed under section 4 and invite any such committee to make comments thereon within such period of time, not being less than three months from the time the Plan is furnished to it as is specified; and
- (d) furnish a copy of the proposed Plan to each county and regional municipality within or partly within the Niagara Escarpment Planning Area and invite them, after giving consideration to the comments received from the local municipalities under clause a, to make comments on the proposed Plan to the Commission within such period of time, not being less than four months from the time the Plan is furnished to them, as is specified.

Hearing
officer

(2) After the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations.

Notice of
hearing

(3) The hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area, as the hearing officer considers appropriate.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing.

Procedure
at hearing

(5) At any such hearing the Commission shall present the proposed plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such

plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the plan may be questioned on any aspect of the plan by any interested person.

(6) Not less than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of his report.

Report of hearing officer

(7) After giving consideration to the comments received and the report of the hearing officer, the Commission shall submit the proposed Plan, with its recommendations thereon to the Minister.

Submission of Plan to Minister

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Inspection of proposed plan and report

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report of the hearing officer, the Minister shall submit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

Submission of plan to Lieutenant Governor in Council

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report of the hearing officer be approved, then the Minister shall give public notice to this effect state, his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

When report not approved

(11) The Lieutenant Governor in Council may approve the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

Approval of Plan by Lieutenant Governor in Council

11.—(1) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the

Lodging of Plan

Minister shall be lodged forthwith with the clerk of each municipality, all or part of which is within the Niagara Escarpment Planning Area.

Idem

(2) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the Minister shall be lodged forthwith in every land registry office of lands within the Niagara Escarpment Planning Area, where it shall be made available to the public as a production.

Amendments
to Plan

12.—(1) An amendment to the Niagara Escarpment Plan may be initiated by the Minister or by the Commission, and application may be made to the Commission by any person, ministry or municipality requesting an amendment to the Plan.

Approval of
amendment
to Plan by
Lieutenant
Governor in
Council

(2) Where the Minister or the Commission initiates an amendment to the Niagara Escarpment Plan or, subject to subsection 3, where the Commission receives an application requesting an amendment to the Plan, the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the consideration of the proposed amendment, following which the Minister shall submit the amendment with his recommendations thereon to the Lieutenant Governor in Council and the Lieutenant Governor in Council may refuse to approve the amendment or may approve it or may approve the amendment with such modifications as the Lieutenant Governor in Council considers desirable, and in the event an amendment is approved, the Plan as so amended is thereupon the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

Frivolous,
etc.,
applications

(3) Where in the opinion of the Commission an application for an amendment is not made in good faith, or is frivolous or is made only for the purpose of delay, the Commission shall inform the Minister of its opinion and where the Minister concurs in that opinion the Minister shall inform the applicant in writing of his opinion and notify the applicant that unless he makes written representations thereon to the Minister within such time as the Minister specifies in the notice not being less than fifteen days from the time the notice is given, the provisions of subsection 2 in respect of the consideration of the amendment shall not apply, and approval of the amendment shall be deemed to be refused.

Idem

(4) Where representations are made to the Minister under subsection 3, the Minister, after giving consideration thereto, shall inform the applicant in writing either that the Minister's opinion is confirmed and that approval of the amendment

is deemed to be refused or that he has directed that consideration of the amendment be proceeded with in accordance with subsection 2.

13.—(1) Notwithstanding any other general or special Act, when the Niagara Escarpment Plan is in effect, By-laws, etc., to conform to Plan

(a) no municipality or local board having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, and no ministry, shall undertake any improvement of a structural nature or any other undertaking within the Area; and

(b) no municipality having jurisdiction in such Area shall pass a by-law for any purpose,

that is in conflict with the Niagara Escarpment Plan.

(2) The Minister, upon the application of the council of a municipality having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, may, in writing, declare that a by-law, improvement or other undertaking of such municipality shall be deemed not to conflict with the Niagara Escarpment Plan, if the Minister is of the opinion that the by-law, improvement or undertaking conforms with the general intent and purpose of the Plan. Minister may deem by-law, etc., conforms to Plan

14. Notwithstanding any other general or special Act, where the Niagara Escarpment Plan is in effect and there is a conflict between any provision of the Plan and any provision of a local plan or any provision of a zoning by-law covering any part of the Niagara Escarpment Planning Area, then the provision of the Niagara Escarpment Plan prevails. Conflict

15.—(1) Where in the opinion of the Minister a local plan or a zoning by-law that covers any part of the Niagara Escarpment Planning Area is in conflict with the provisions of the Niagara Escarpment Plan, the Minister shall advise the council of the municipality that adopted the local plan or that passed the zoning by-law of the particulars wherein the local plan or zoning by-law conflicts with the Niagara Escarpment Plan and shall invite the municipality to submit, within such time as the Minister specifies, proposals for the resolution of the conflict. Minister may require submission of proposals to resolve conflict

(2) Where the council of the municipality fails to submit proposals to resolve the conflict within the time specified by the Minister, or where after consultation with the Minister on such proposals the conflict cannot be resolved, and the Minister so notifies in writing the council of the municipality, Power of Minister to amend local plan

the Minister may by order amend the local plan so as to make it conform to the Niagara Escarpment Plan, and the order when made shall have the same effect as though it were an amendment to the local plan made by the council of the municipality and approved by the Minister.

Minister
may require
adoption of
local plan
or passage of
zoning by-law

16. Where the Niagara Escarpment Plan is in effect in a municipality or any part thereof and the municipality does not have a local plan in effect or has not passed a zoning by-law or by-laws covering the municipality or that part of the municipality covered by the Plan, the council of the municipality, upon being notified in writing by the Minister of that fact, shall, within such time as is specified in the notice, prepare and adopt a local plan or pass a zoning by-law or by-laws that conform to the Niagara Escarpment Plan and submit to the Minister the local plan for approval or submit to the Ontario Municipal Board the zoning by-law or by-laws for approval, as the case requires.

Review of
Plan

17.—(1) Not later than five years from the day on which the Niagara Escarpment Plan comes into effect, the Minister shall cause a review of the Plan to be undertaken, and the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis* to the review, following which the Minister shall submit to the Lieutenant Governor in Council a report on the review of the Plan with his recommendations thereon.

Lieutenant
Governor in
Council
may confirm
Plan or
approve
modifications

(2) The Lieutenant Governor in Council may confirm the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the confirmed Plan or the modified Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

Continuing
review of
Plan

(3) Subsections 1 and 2 apply *mutatis mutandis* to the confirmed or modified Niagara Escarpment Plan, and so on at intervals of not greater than five years, to the end that the Plan shall be subject to continuing review and if desirable, modification, at such periodic intervals.

Power to
acquire land
R.S.O. 1970,
c. 154

18.—(1) For the purposes of developing any feature of the Niagara Escarpment Plan, the Minister may, for and in the name of Her Majesty, acquire by purchase, lease or otherwise, or, subject to *The Expropriations Act*, without the consent of the owner, enter upon, take and expropriate and hold any land or interest therein within the Niagara Escarpment Planning Area and sell, lease or otherwise dispose of any such land or interest therein.

(2) The Lieutenant Governor in Council may designate any minister of the Crown in respect of any land acquired under subsection 1, and thereupon the minister so designated may, for the purpose of developing any feature of the Niagara Escarpment Plan,

Power of
designated
minister

- (a) clear, grade or otherwise prepare the land for development or may construct, repair or improve buildings, works and facilities thereon; or
- (b) sell, lease or otherwise dispose of any of such land or interest therein.

19. Where a municipality is invited to submit proposals to the Minister under section 15 to resolve a conflict between a local plan or zoning by-law and the Niagara Escarpment Plan or is required under section 16 to prepare and adopt a local plan or pass a zoning by-law or by-laws, the Minister may, out of the moneys appropriated therefor by the Legislature, make grants to any such municipality towards the costs of preparing such proposals, plans or by-laws or towards those expenditures incurred in preparing local plans and zoning by-laws, which are rendered invalid by the Niagara Escarpment Plan.

Grants

20. When the Niagara Escarpment Plan is in effect, the Minister may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any person, organization or corporation, including a municipal corporation, undertaking any policy or program that implements the Plan.

Financial
assistance

21. (1) Where, in the opinion of the Lieutenant Governor in Council, the Niagara Escarpment Plan has been substantially completed for any part of the Niagara Escarpment Planning Area, the Lieutenant Governor in Council may, by order, and subject to such terms and conditions as he considers appropriate, transfer any of the functions of the Commission to the council of a regional municipality or the council of a county.

Transfer of
Commission
functions

(2) No order shall be made under subsection 1 except upon application made to the Lieutenant Governor in Council by the council of the regional municipality or county, and every such application shall include a statement of the administrative procedures intended to be followed in the exercise of such functions.

Limitation

22. The Minister may make regulations,

Regulations

- (a) designating any area or areas of land within the Niagara Escarpment Planning Area as an area of development control;

R.S.O. 1970,
c. 349

- (b) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof;
- (c) providing for the issuance of development permits and prescribing terms and conditions of permits;
- (d) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;
- (e) prescribing the form of application for a development permit.

Development
permits

23.—(1) Notwithstanding any other general or special Act, where an area of development control is established by regulation made under section 22, no person shall undertake any development in the area unless such development is exempt under the regulations or he is the holder of a development permit issued by the Minister, or where the Minister has under section 24 delegated his authority to the Commission or to a county or to a regional municipality or to a city outside a regional municipality, issued by the Commission or by the county or regional municipality, or city, as the case may be.

Terms and
conditions

(2) The Minister may, where he issues a development permit under subsection 1, attach such terms and conditions thereto as he considers desirable.

Other
permits

(3) No building permit or other permit relating to development shall be issued in respect of any land, building or structure within an area of development control, unless a development permit has been issued under this Act relating to such land, building or structure, and no such building or other permit shall be issued that does not conform to the development permit.

Offence

(4) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

Order to
demolish, etc.

(5) Where any person undertakes any development that is in contravention of subsection 1, the Minister may order such person to demolish any building or structure erected in connection with the development or to restore the site to the condition it was in prior to the undertaking of the development, or both, within such time as the order specifies.

(6) Where a person to whom an order is directed under subsection 5 fails to comply with the order within the time specified in it, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which cost may be recovered with costs, as a debt due to Her Majesty, in any court of competent jurisdiction.

Cost of
work

(7) Where the Minister has delegated his authority under section 24, the body to which the authority is delegated has, in lieu of the Minister, all the powers and rights of the Minister under subsections 5 and 6.

Delegation
of authority

24.—(1) Subject to subsection 2, the Minister may in writing, and subject to such conditions as he considers appropriate, delegate to the Commission, or to a county or regional municipality or to a city outside the Regional Municipality having jurisdiction in the Niagara Escarpment Planning Area, or any part thereof, authority to issue development permits.

Delegation to
Commission,
etc.

(2) No delegation shall be made under subsection 1 to a county or a regional municipality or a city except upon application made to the Minister by the council of the county or regional municipality or city, and every such application shall include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

Limitation

(3) The Minister may in writing withdraw any delegation made under subsection 1 where, in his opinion, it is in the public interest to do so.

Withdrawal
of
delegation

(4) Where the Minister has delegated his authority under subsection 1, the Commission or the council of the county or regional municipality or city, as the case may be, on receiving an application for a development permit and, after giving consideration to the merits of the application, may make a decision to issue the development permit or to refuse to issue the permit or to issue the permit subject to such terms and conditions as it considers desirable.

Commission,
etc., power
of decision

(5) The Commission, or a county or regional municipality or city to whom the Minister has delegated his authority under subsection 1, shall by regular or registered mail cause a copy of the decision made by it on any application for a development permit to be mailed to the Minister, to the applicant for the permit and to all assessed owners of land lying within 400 feet of the land that is the subject of the application and every copy of such decision shall include a notice specifying that any person receiving a copy of the decision, other

Notification
of decision

than the Minister, may, within fourteen days of the mailing of it, appeal in writing to the Minister against the decision.

Hearing
officer

(6) Where the Minister receives a copy of a decision under subsection 5 he may, within fourteen days of the mailing of it, request the Lieutenant Governor in Council to appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision.

Application

(7) Where the Lieutenant Governor in Council appoints a hearing officer at the request of the Minister under subsection 6, the provisions of subsections 10, 11 and 12 apply *mutatis mutandis* and any reference in those subsections to the Minister shall be deemed to be a reference to the Lieutenant Governor in Council.

Hearing
officer,
appointment
by Minister

(8) Where the Minister receives one or more notices of appeal under subsection 5 he shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision.

Confirmation
of decision

(9) Unless within the time specified in subsection 5, the Minister receives one or more notices of appeal or unless the Minister has under subsection 6 requested the appointment of a hearing officer, the decision of the Commission or of the council of the county or regional municipality or city, as the case may be, shall be deemed to be confirmed.

Time of
hearing

(10) The officer appointed to inquire under subsection 8 shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to each person to whom notice of the decision was sent under subsection 5.

Report

(11) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made, together with his opinion on the merits of the decision.

Power of
Minister
to confirm,
etc., decision

(12) After giving consideration to the report of the officer, the Minister may confirm the decision or he may vary the decision or make any other decision that in his opinion ought to have been made and the decision of the Minister under this section is final.

Notice of
application

25.—(1) Where the Minister has not delegated his authority under section 24 and he receives an application for a development permit the Minister shall, by personal service or by regular or registered mail, cause a written notice of the application, together with a brief statement of the nature of the application, to be delivered or mailed to all assessed

owners of land lying within 400 feet of the land that is the subject of the application and every such notice shall specify the time within which any person receiving it may file with the Minister written notice of his objection to the issuance of a development permit.

(2) Subject to subsection 7, unless within the time specified in the notice referred to in subsection 1 a notice objecting to the issuance of a development permit is filed with the Minister, he may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable. Minister may issue, etc., permit

(3) Where a notice of objection to the issuance of a development permit is filed with the Minister within the time specified in the notice referred to in subsection 1, the Minister shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the issuance of the development permit. Hearing officer, appointment by Minister

(4) The officer appointed to inquire under subsection 3 shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to the applicant for the development permit and to each person to whom notice of the application was sent under subsection 1. Time of hearing

(5) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made together with his opinion on the merits of the application for the development permit. Report

(6) After giving consideration to the report of the officer appointed to inquire into the matter, the Minister may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable. Minister may issue, etc., permit

(7) The Minister where he considers it desirable may, and at the request of the applicant for the development permit made at the time of submitting his application to the Minister shall, appoint an officer for the purpose of conducting a hearing into the matter, and where the Minister does so the provisions of subsections 4, 5 and 6 apply *mutatis mutandis*. Hearing officer, appointment by Minister

(8) The decision of the Minister made under this section is final. Decision final

26.—(1) Every local municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area shall annually, on or before the 1st day of February, determine Determination of number of acres of land owned by Crown

and advise the Minister of the number of acres to the nearest whole acre of all land in such municipality situate within the Planning Area and owned on the next preceding 1st day of January by Her Majesty in right of Ontario.

Determina-
tion by
Minister

(2) The Minister may revise the number of acres so determined by a local municipality and where he does so the determination of the number of acres by the Minister is, for the purposes of this section, final.

Payments

(3) Commencing with the year 1973, the Minister may, out of the moneys appropriated therefor by the Legislature, pay in each year to such municipality,

(a) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres; or

(b) \$100,

whichever is the greater.

Deduction of
moneys paid
under
1971, c. 78
and
R.S.O. 1970,
c. 292

(4) Notwithstanding subsection 3, when an amount of money is payable to any such local municipality in the same year in respect of any part of such land under *The Provincial Parks Municipal Tax Assistance Act, 1971* or under *The Municipal Tax Assistance Act*, no payment shall be made under this section in respect of that land.

Determina-
tion for 1973

(5) The annual determination required under subsection 1 shall be made for the purposes of payments in 1973 as soon as is practicable after the coming into force of this Act.

Assessment
deemed
increased

27. The assessment of a local municipality that receives a payment under section 26 that is used for apportioning,

R.S.O. 1970,
c. 32

(a) a county rate under section 72 of *The Assessment Act*; or

(b) a regional levy under any Act establishing a regional municipality,

shall be deemed to be increased by an amount that would have produced the amount of payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Agreement
for fixed
assessment

28.—(1) Where the use of any land within the Niagara Escarpment Planning Area is not in conformity with the use designated for such land in the Niagara Escarpment Plan or

in any local plan covering such land, and the assessment of such land is increased because of such designation, the local municipality in which the land is situate and the owner of the land may, with the approval of the Minister, enter into an agreement providing for a fixed assessment for the land reflecting the use to which the land is being put, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

(2) Every such agreement shall be for such term of years ^{Term of agreement} not exceeding three as the Minister approves and the Minister may, in granting his approval, attach such terms and conditions thereto as he considers appropriate.

(3) Where a parcel of land has a fixed assessment under ^{Procedure} subsection 1,

- (a) the land shall be assessed in each year as if it did not ^{assessment} have a fixed assessment;
- (b) the treasurer of the local municipality shall calculate ^{taxes} each year what the taxes would have been on the land if it did not have a fixed assessment;
- (c) the treasurer shall keep a record of the difference ^{record} between the taxes paid each year and the taxes that would have been paid if the land did not have a fixed assessment and shall debit the land with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date.

(4) The Minister may, out of the moneys appropriated ^{Payment to municipality} therefor by the Legislature, pay in each year to a local municipality in respect of which an agreement made under subsection 1 is in force, an amount of money equal to the difference in the taxes paid pursuant to the agreement and the taxes that would have been paid if the land covered by the agreement did not have a fixed assessment.

(5) Where a local municipality receives an amount of money ^{Apportionment} under subsection 4, the council of the local municipality shall apportion the amount to each body in the same manner as taxes would have been apportioned if taxes had been levied in the normal manner on the assessment in accordance with clause *a* of subsection 3.

(6) Where the land or a part thereof that is subject to an ^{When agreement terminated} agreement under subsection 1 ceases to be put to the use that

was the basis for determining the fixed assessment, the agreement is thereupon terminated with respect to the land or such part thereof.

- Registration of agreement (7) Any agreement entered into under subsection 1 may be registered against the land affected by the agreement and when registered such agreement runs with the land and the provisions thereof are binding upon and enure to the benefit of the owner of the land and, subject to the provisions of *The Registry Act*, any and all subsequent owners of the land.
- R.S.O. 1970, c. 409
- Termination of agreement, as to all lands (8) Where an agreement is for any reason terminated in respect of the whole of the land, the owner shall pay to the local municipality the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3.
- as to part of lands (9) Where an agreement is for any reason terminated in respect of a part of the land, the owner shall pay to the local municipality that portion of the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3, that is attributable to the portion of the land in respect of which the agreement is terminated.
- Payment to Minister (10) Where a local municipality receives a payment under subsection 8 or 9, the treasurer of the municipality shall forthwith pay the amount of money received, including the amount of debited interest, to the Minister.
- Termination of agreement by owner (11) An agreement may be terminated on the 31st day of December in any year upon the owner of the land that is the subject of the agreement giving six months notice of such termination in writing to the municipality.
- Apportionment (12) For the purposes of an apportionment required under any Act, the assessment used as the basis for such apportionment shall include the assessment determined under clause *a* of subsection 3.
- Commencement **29.** This Act shall be deemed to have come into force on the 4th day of June, 1973.
- Short title **30.** This Act may be cited as *The Niagara Escarpment Planning and Development Act, 1973*.

An Act to provide for Planning and
Development of the Niagara Escarpment
and its Vicinity

1st Reading

June 4th, 1973

2nd Reading

June 14th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

*(Reprinted as amended by the Resources
Development Committee)*

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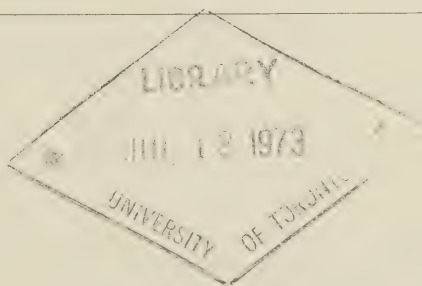
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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for Planning and Development of
the Niagara Escarpment and its Vicinity**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 129

1973

**An Act to provide for
Planning and Development of the
Niagara Escarpment and its Vicinity**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Niagara Escarpment Commission established under this Act;
- (b) "local plan" means an official plan approved by the Minister or by the Ontario Municipal Board under *The Planning Act*;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "Niagara Escarpment Plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering the Niagara Escarpment Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental and physical condition of the Area, and consisting of the texts and maps describing the program and policy;
- (f) "Niagara Escarpment Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;
- (g) "zoning by-law" means a by-law passed under section 35 of *The Planning Act* or any predecessor thereof and approved by the Ontario Municipal Board.

R.S.O. 1970,
c. 349

Purpose
of Act

2. The purpose of this Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.

Establish-
ment of
Niagara
Escarpment
Planning
Area

3.—(1) The Minister may, by order, establish as the Niagara Escarpment Planning Area the area of land in Ontario defined in the order.

Direction by
Minister to
prepare
Niagara
Escarpment
Plan

(2) Where the Niagara Escarpment Planning Area has been established under subsection 1, the Minister shall include in the order a direction to the Commission that it carry out an investigation and survey of the environmental, physical, social and economic conditions in relation to the development of the Planning Area or any part thereof, and that there be prepared within a period of two years or such other period of time as the Minister in his order determines, a plan suitable for approval as the Niagara Escarpment Plan.

Order to be
laid before
Assembly

(3) Where any order is made under subsection 1, the Minister shall, on the day the order is made, or as soon thereafter as is practicable, lay the order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order approved, revoked or varied.

Advisory
committees

4. The Minister shall establish two or more advisory committees, consisting of such persons as the Minister appoints, one of which will represent the municipalities in the Niagara Escarpment Planning Area in whole or in part and one of which will be broadly representative of the people of the Planning Area, to advise and make recommendations to the Minister, through the Commission, in respect of the preparation and implementation of the Niagara Escarpment Plan and to perform any other function given to them by the Minister.

Niagara
Escarpment
Commission
established

5.—(1) There is hereby established a commission, to be known as the Niagara Escarpment Commission, composed of seventeen members appointed by the Lieutenant Governor in Council as follows:

1. Nine members shall be appointed as representative of the public at large.
2. Of the eight remaining members, one shall be appointed from a list containing the names of not less than three persons submitted by the county council or regional council, as the case may be, of each

county and regional municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area.

(2) Each member of the Commission shall hold office for such period of time as the Lieutenant Governor in Council determines. ^{Term of office}

(3) No person is eligible to be included in a list of persons submitted under paragraph 2 of subsection 1 unless he is a member or employee of the council of a municipality whose jurisdiction includes a part of the Niagara Escarpment Planning Area. ^{Eligibility}

(4) The Commission shall be deemed to be established when a majority of the number of members has been appointed, and it may then proceed to carry out the functions conferred upon it under this Act, notwithstanding the remaining number of members has not been appointed. ^{When Commission deemed established}

(5) The Lieutenant Governor in Council may designate one of the members appointed under paragraph 1 of subsection 1 to be chairman of the Commission. ^{Chairman}

(6) Nine members of the Commission constitute a quorum. ^{Quorum}

(7) Members of the Commission shall receive such salary and other remuneration as the Lieutenant Governor in Council from time to time determines. ^{Remuneration}

(8) Such officers, clerks and servants as are considered necessary from time to time for the purposes of the Commission may be appointed under *The Public Service Act*. ^{Staff}
 ^{R.S.O. 1970, c. 386}

(9) Subject to the approval of the Minister, the Commission may engage persons to provide professional, technical or other assistance to the Commission. ^{Professional assistance}

(10) In the performance of its functions, the Commission may be assisted by such persons in the public service of Ontario as the Minister designates for the purpose. ^{Seconding of staff to Commission}

6. All expenditures, costs, charges and expenses incurred and payable in respect of the carrying out by the Commission of its functions, including the salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, shall be paid out of the moneys appropriated therefor by the Legislature. ^{Moneys}

Consultation
during
preparation
of plan

7. During the course of the preparation of the Niagara Escarpment Plan, the Commission shall consult with the minister, provincial secretary or other person having charge of any affected ministry and with the council of each municipality within or partly within the Niagara Escarpment Planning Area, with respect to the proposed contents of the Plan.

Objectives

8. In preparing the Niagara Escarpment Plan, the objectives to be sought by the Commission in the Niagara Escarpment Planning Area shall be,

- (a) to protect unique ecologic and historic areas;
- (b) to maintain and enhance the quality and character of natural streams and water supplies;
- (c) to provide adequate opportunities for outdoor recreation;
- (d) to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
- (e) to ensure that all new development is compatible with the purpose of this Act as expressed in section 2;
- (f) to provide for adequate public access to the Niagara Escarpment; and
- (g) to support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by *The Planning Act*.

R.S.O. 1970,
c. 349

Contents of
Plan

9. The Niagara Escarpment Plan may contain,

- (a) policies for the economic, social and physical development of the Niagara Escarpment Planning Area in respect of,
 - (i) the management of land and water resources,
 - (ii) the general distribution and density of population,
 - (iii) the general location of industry and commerce, the identification of major land use areas and the provision of major parks and open space and the policies in regard to the acquisition of lands,

- (iv) the control of all forms of pollution of the natural environment,
 - (v) the general location and development of major servicing, communication and transportation systems,
 - (vi) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
 - (vii) such other matters as are, in the opinion of the Minister, advisable;
- (b) policies relating to the financing and programming of public development projects and capital works;
 - (c) policies to co-ordinate the planning and development programs of the various ministries for the Niagara Escarpment Planning Area;
 - (d) policies to co-ordinate planning and development among municipalities within the Niagara Escarpment Planning Area;
 - (e) policies designed to ensure compatibility of development by the private sector; and
 - (f) such other policies as are, in the opinion of the Minister, advisable for the implementation of the Plan,

and shall contain such programs and policies as each minister, provincial secretary or other person having charge of a ministry desires to be incorporated in the Plan, in so far as the Commission considers it practicable.

10.—(1) During the course of preparation of the Niagara ^{Preparation of Plan} Escarpment Plan, the Commission shall,

- (a) furnish each local municipality within or partly within the Niagara Escarpment Planning Area with a copy of the proposed Plan and invite each such municipality to make comments thereon to the council of the county or regional municipality within which it is situate within such period of time, not being less than three months from the time the Plan is furnished to it, as is specified;
- (b) publish a notice in such newspapers having general circulation in any area that is within the Niagara

Escarpment Planning Area as the Commission considers appropriate, notifying the public of the proposed Plan, indicating where a copy of the Plan together with the material used in the preparation thereof mentioned in subsection 5, can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified;

- (c) furnish copies of the proposed Plan to any advisory committee appointed under section 4 and invite any such committee to make comments thereon within such period of time, not being less than three months from the time the Plan is furnished to it as is specified; and
- (d) furnish a copy of the proposed Plan to each county and regional municipality within or partly within the Niagara Escarpment Planning Area and invite them, after giving consideration to the comments received from the local municipalities under clause a, to make comments on the proposed Plan to the Commission within such period of time, not being less than four months from the time the Plan is furnished to them, as is specified.

Hearing
officer

(2) After the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations.

Notice of
hearing

(3) The hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area, as the hearing officer considers appropriate.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing.

Procedure
at hearing

(5) At any such hearing the Commission shall present the proposed plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such

plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the plan may be questioned on any aspect of the plan by any interested person.

(6) Not less than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of his report. Report of hearing officer

(7) After giving consideration to the comments received and the report of the hearing officer, the Commission shall submit the proposed Plan, with its recommendations thereon to the Minister. Submission of Plan to Minister

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so. Inspection of proposed plan and report

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report of the hearing officer, the Minister shall submit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council. Submission of plan to Lieutenant Governor in Council

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report of the hearing officer be approved, then the Minister shall give public notice to this effect state, his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council. When report not approved

(11) The Lieutenant Governor in Council may approve the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area. Approval of Plan by Lieutenant Governor in Council

11.—(1) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the Lodging of Plan

Minister shall be lodged forthwith with the clerk of each municipality, all or part of which is within the Niagara Escarpment Planning Area.

Idem

(2) A copy of the Niagara Escarpment Plan and of every amendment or modification thereto certified by the Minister shall be lodged forthwith in every land registry office of lands within the Niagara Escarpment Planning Area, where it shall be made available to the public as a production.

Amendments
to Plan

12.—(1) An amendment to the Niagara Escarpment Plan may be initiated by the Minister or by the Commission, and application may be made to the Commission by any person, ministry or municipality requesting an amendment to the Plan.

Approval of
amendment
to Plan by
Lieutenant
Governor in
Council

(2) Where the Minister or the Commission initiates an amendment to the Niagara Escarpment Plan or, subject to subsection 3, where the Commission receives an application requesting an amendment to the Plan, the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis*, to the consideration of the proposed amendment, following which the Minister shall submit the amendment with his recommendations thereon to the Lieutenant Governor in Council and the Lieutenant Governor in Council may refuse to approve the amendment or may approve it or may approve the amendment with such modifications as the Lieutenant Governor in Council considers desirable, and in the event an amendment is approved, the Plan as so amended is thereupon the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

Frivolous,
etc.,
applications

(3) Where in the opinion of the Commission an application for an amendment is not made in good faith, or is frivolous or is made only for the purpose of delay, the Commission shall inform the Minister of its opinion and where the Minister concurs in that opinion the Minister shall inform the applicant in writing of his opinion and notify the applicant that unless he makes written representations thereon to the Minister within such time as the Minister specifies in the notice not being less than fifteen days from the time the notice is given, the provisions of subsection 2 in respect of the consideration of the amendment shall not apply, and approval of the amendment shall be deemed to be refused.

Idem

(4) Where representations are made to the Minister under subsection 3, the Minister, after giving consideration thereto, shall inform the applicant in writing either that the Minister's opinion is confirmed and that approval of the amendment

is deemed to be refused or that he has directed that consideration of the amendment be proceeded with in accordance with subsection 2.

13.—(1) Notwithstanding any other general or special Act, when the Niagara Escarpment Plan is in effect, By-laws, etc., to conform to Plan

- (a) no municipality or local board having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, and no ministry, shall undertake any improvement of a structural nature or any other undertaking within the Area; and
- (b) no municipality having jurisdiction in such Area shall pass a by-law for any purpose,

that is in conflict with the Niagara Escarpment Plan.

(2) The Minister, upon the application of the council of a municipality having jurisdiction in the Niagara Escarpment Planning Area, or in any part thereof, may, in writing, declare that a by-law, improvement or other undertaking of such municipality shall be deemed not to conflict with the Niagara Escarpment Plan, if the Minister is of the opinion that the by-law, improvement or undertaking conforms with the general intent and purpose of the Plan. Minister may deem by-law, etc., conforms to Plan

14. Notwithstanding any other general or special Act, where the Niagara Escarpment Plan is in effect and there is a conflict between any provision of the Plan and any provision of a local plan or any provision of a zoning by-law covering any part of the Niagara Escarpment Planning Area, then the provision of the Niagara Escarpment Plan prevails. Conflict

15.—(1) Where in the opinion of the Minister a local plan or a zoning by-law that covers any part of the Niagara Escarpment Planning Area is in conflict with the provisions of the Niagara Escarpment Plan, the Minister shall advise the council of the municipality that adopted the local plan or that passed the zoning by-law of the particulars wherein the local plan or zoning by-law conflicts with the Niagara Escarpment Plan and shall invite the municipality to submit, within such time as the Minister specifies, proposals for the resolution of the conflict. Minister may require submission of proposals to resolve conflict

(2) Where the council of the municipality fails to submit proposals to resolve the conflict within the time specified by the Minister, or where after consultation with the Minister on such proposals the conflict cannot be resolved, and the Minister so notifies in writing the council of the municipality, Power of Minister to amend local plan

the Minister may by order amend the local plan so as to make it conform to the Niagara Escarpment Plan, and the order when made shall have the same effect as though it were an amendment to the local plan made by the council of the municipality and approved by the Minister.

Minister
may require
adoption of
local plan
or passage of
zoning by-law

16. Where the Niagara Escarpment Plan is in effect in a municipality or any part thereof and the municipality does not have a local plan in effect or has not passed a zoning by-law or by-laws covering the municipality or that part of the municipality covered by the Plan, the council of the municipality, upon being notified in writing by the Minister of that fact, shall, within such time as is specified in the notice, prepare and adopt a local plan or pass a zoning by-law or by-laws that conform to the Niagara Escarpment Plan and submit to the Minister the local plan for approval or submit to the Ontario Municipal Board the zoning by-law or by-laws for approval, as the case requires.

Review of
Plan

17.—(1) Not later than five years from the day on which the Niagara Escarpment Plan comes into effect, the Minister shall cause a review of the Plan to be undertaken, and the provisions of this Act relating to consultation, the submission of comments and the holding of hearings apply, *mutatis mutandis* to the review, following which the Minister shall submit to the Lieutenant Governor in Council a report on the review of the Plan with his recommendations thereon.

Lieutenant
Governor in
Council
may confirm
Plan or
approve
modifications

(2) The Lieutenant Governor in Council may confirm the Plan or may approve the Plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the confirmed Plan or the modified Plan is the Niagara Escarpment Plan for the Niagara Escarpment Planning Area.

Continuing
review of
Plan

(3) Subsections 1 and 2 apply *mutatis mutandis* to the confirmed or modified Niagara Escarpment Plan, and so on at intervals of not greater than five years, to the end that the Plan shall be subject to continuing review and if desirable, modification, at such periodic intervals.

Power to
acquire land
R.S.O. 1970,
c. 154

18.—(1) For the purposes of developing any feature of the Niagara Escarpment Plan, the Minister may, for and in the name of Her Majesty, acquire by purchase, lease or otherwise, or, subject to *The Expropriations Act*, without the consent of the owner, enter upon, take and expropriate and hold any land or interest therein within the Niagara Escarpment Planning Area and sell, lease or otherwise dispose of any such land or interest therein.

(2) The Lieutenant Governor in Council may designate ^{Power of designated minister} any minister of the Crown in respect of any land acquired under subsection 1, and thereupon the minister so designated may, for the purpose of developing any feature of the Niagara Escarpment Plan,

- (a) clear, grade or otherwise prepare the land for development or may construct, repair or improve buildings, works and facilities thereon; or
- (b) sell, lease or otherwise dispose of any of such land or interest therein.

19. Where a municipality is invited to submit proposals ^{Grants} to the Minister under section 15 to resolve a conflict between a local plan or zoning by-law and the Niagara Escarpment Plan or is required under section 16 to prepare and adopt a local plan or pass a zoning by-law or by-laws, the Minister may, out of the moneys appropriated therefor by the Legislature, make grants to any such municipality towards the costs of preparing such proposals, plans or by-laws or towards those expenditures incurred in preparing local plans and zoning by-laws, which are rendered invalid by the Niagara Escarpment Plan.

20. When the Niagara Escarpment Plan is in effect, ^{Financial assistance} the Minister may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any person, organization or corporation, including a municipal corporation, undertaking any policy or program that implements the Plan.

21.—(1) Where, in the opinion of the Lieutenant Governor ^{Transfer of Commission functions} in Council, the Niagara Escarpment Plan has been substantially completed for any part of the Niagara Escarpment Planning Area, the Lieutenant Governor in Council may, by order, and subject to such terms and conditions as he considers appropriate, transfer any of the functions of the Commission to the council of a regional municipality or the council of a county.

(2) No order shall be made under subsection 1 except ^{Limitation} upon application made to the Lieutenant Governor in Council by the council of the regional municipality or county, and every such application shall include a statement of the administrative procedures intended to be followed in the exercise of such functions.

22. The Minister may make regulations, ^{Regulations}

- (a) designating any area or areas of land within the Niagara Escarpment Planning Area as an area of development control;

R.S.O. 1970,
c. 349

- (b) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof;
- (c) providing for the issuance of development permits and prescribing terms and conditions of permits;
- (d) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;
- (e) prescribing the form of application for a development permit.

Development
permits

23.—(1) Notwithstanding any other general or special Act, where an area of development control is established by regulation made under section 22, no person shall undertake any development in the area unless such development is exempt under the regulations or he is the holder of a development permit issued by the Minister, or where the Minister has under section 24 delegated his authority to the Commission or to a county or to a regional municipality or to a city outside a regional municipality, issued by the Commission or by the county or regional municipality, or city, as the case may be.

Terms and
conditions

(2) The Minister may, where he issues a development permit under subsection 1, attach such terms and conditions thereto as he considers desirable.

Other
permits

(3) No building permit or other permit relating to development shall be issued in respect of any land, building or structure within an area of development control, unless a development permit has been issued under this Act relating to such land, building or structure, and no such building or other permit shall be issued that does not conform to the development permit.

Offence

(4) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

Order to
demolish, etc.

(5) Where any person undertakes any development that is in contravention of subsection 1, the Minister may order such person to demolish any building or structure erected in connection with the development or to restore the site to the condition it was in prior to the undertaking of the development, or both, within such time as the order specifies.

(6) Where a person to whom an order is directed under subsection 5 fails to comply with the order within the time specified in it, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which cost may be recovered with costs, as a debt due to Her Majesty, in any court of competent jurisdiction.

Cost of
work

(7) Where the Minister has delegated his authority under section 24, the body to which the authority is delegated has, in lieu of the Minister, all the powers and rights of the Minister under subsections 5 and 6.

Delegation
of authority

24.—(1) Subject to subsection 2, the Minister may in writing, and subject to such conditions as he considers appropriate, delegate to the Commission, or to a county or regional municipality or to a city outside the Regional Municipality having jurisdiction in the Niagara Escarpment Planning Area, or any part thereof, authority to issue development permits.

Delegation to
Commission,
etc.

(2) No delegation shall be made under subsection 1 to a county or a regional municipality or a city except upon application made to the Minister by the council of the county or regional municipality or city, and every such application shall include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

Limitation

(3) The Minister may in writing withdraw any delegation made under subsection 1 where, in his opinion, it is in the public interest to do so.

Withdrawal
of
delegation

(4) Where the Minister has delegated his authority under subsection 1, the Commission or the council of the county or regional municipality or city, as the case may be, on receiving an application for a development permit and, after giving consideration to the merits of the application, may make a decision to issue the development permit or to refuse to issue the permit or to issue the permit subject to such terms and conditions as it considers desirable.

Commission,
etc., power
of decision

(5) The Commission, or a county or regional municipality or city to whom the Minister has delegated his authority under subsection 1, shall by regular or registered mail cause a copy of the decision made by it on any application for a development permit to be mailed to the Minister, to the applicant for the permit and to all assessed owners of land lying within 400 feet of the land that is the subject of the application and every copy of such decision shall include a notice specifying that any person receiving a copy of the decision, other

Notification
of decision

than the Minister, may, within fourteen days of the mailing of it, appeal in writing to the Minister against the decision.

Hearing
officer

(6) Where the Minister receives a copy of a decision under subsection 5 he may, within fourteen days of the mailing of it, request the Lieutenant Governor in Council to appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision.

Application

(7) Where the Lieutenant Governor in Council appoints a hearing officer at the request of the Minister under subsection 6, the provisions of subsections 10, 11 and 12 apply *mutatis mutandis* and any reference in those subsections to the Minister shall be deemed to be a reference to the Lieutenant Governor in Council.

Hearing
officer,
appointment
by Minister

(8) Where the Minister receives one or more notices of appeal under subsection 5 he shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision.

Confirmation
of decision

(9) Unless within the time specified in subsection 5, the Minister receives one or more notices of appeal or unless the Minister has under subsection 6 requested the appointment of a hearing officer, the decision of the Commission or of the council of the county or regional municipality or city, as the case may be, shall be deemed to be confirmed.

Time of
hearing

(10) The officer appointed to inquire under subsection 8 shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to each person to whom notice of the decision was sent under subsection 5.

Report

(11) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made, together with his opinion on the merits of the decision.

Power of
Minister
to confirm,
etc., decision

(12) After giving consideration to the report of the officer, the Minister may confirm the decision or he may vary the decision or make any other decision that in his opinion ought to have been made and the decision of the Minister under this section is final.

Notice of
application

25.—(1) Where the Minister has not delegated his authority under section 24 and he receives an application for a development permit the Minister shall, by personal service or by regular or registered mail, cause a written notice of the application, together with a brief statement of the nature of the application, to be delivered or mailed to all assessed

owners of land lying within 400 feet of the land that is the subject of the application and every such notice shall specify the time within which any person receiving it may file with the Minister written notice of his objection to the issuance of a development permit.

(2) Subject to subsection 7, unless within the time specified in the notice referred to in subsection 1 a notice objecting to the issuance of a development permit is filed with the Minister, he may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable. Minister may issue, etc., permit

(3) Where a notice of objection to the issuance of a development permit is filed with the Minister within the time specified in the notice referred to in subsection 1, the Minister shall appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the issuance of the development permit. Hearing officer, appointment by Minister

(4) The officer appointed to inquire under subsection 3 shall fix a time and place for a hearing and shall send by regular or registered mail written notice thereof to the applicant for the development permit and to each person to whom notice of the application was sent under subsection 1. Time of hearing

(5) After the conclusion of the hearing, the officer appointed shall report to the Minister a summary of the representations made together with his opinion on the merits of the application for the development permit. Report

(6) After giving consideration to the report of the officer appointed to inquire into the matter, the Minister may issue the development permit or he may refuse to issue the permit or he may issue the permit subject to such terms and conditions as he considers advisable. Minister may issue, etc., permit

(7) The Minister where he considers it desirable may, and at the request of the applicant for the development permit made at the time of submitting his application to the Minister shall, appoint an officer for the purpose of conducting a hearing into the matter, and where the Minister does so the provisions of subsections 4, 5 and 6 apply *mutatis mutandis*. Hearing officer, appointment by Minister

(8) The decision of the Minister made under this section is final. Decision final

26.—(1) Every local municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area shall annually, on or before the 1st day of February, determine Determination of number of acres of land owned by Crown

and advise the Minister of the number of acres to the nearest whole acre of all land in such municipality situate within the Planning Area and owned on the next preceding 1st day of January by Her Majesty in right of Ontario.

Determina-
tion by
Minister

(2) The Minister may revise the number of acres so determined by a local municipality and where he does so the determination of the number of acres by the Minister is, for the purposes of this section, final.

Payments

(3) Commencing with the year 1973, the Minister may, out of the moneys appropriated therefor by the Legislature, pay in each year to such municipality,

(a) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres; or

(b) \$100,

whichever is the greater.

Deduction of
moneys paid
under
1971, c. 78
and
R.S.O. 1970,
c. 292

(4) Notwithstanding subsection 3, when an amount of money is payable to any such local municipality in the same year in respect of any part of such land under *The Provincial Parks Municipal Tax Assistance Act, 1971* or under *The Municipal Tax Assistance Act*, no payment shall be made under this section in respect of that land.

Determina-
tion for 1973

(5) The annual determination required under subsection 1 shall be made for the purposes of payments in 1973 as soon as is practicable after the coming into force of this Act.

Assessment
deemed
increased

27. The assessment of a local municipality that receives a payment under section 26 that is used for apportioning,

R.S.O. 1970,
c. 32

(a) a county rate under section 72 of *The Assessment Act*; or

(b) a regional levy under any Act establishing a regional municipality,

shall be deemed to be increased by an amount that would have produced the amount of payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Agreement
for fixed
assessment

28.—(1) Where the use of any land within the Niagara Escarpment Planning Area is not in conformity with the use designated for such land in the Niagara Escarpment Plan or

in any local plan covering such land, and the assessment of such land is increased because of such designation, the local municipality in which the land is situate and the owner of the land may, with the approval of the Minister, enter into an agreement providing for a fixed assessment for the land reflecting the use to which the land is being put, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

(2) Every such agreement shall be for such term of years ^{Term of agreement} not exceeding three as the Minister approves and the Minister may, in granting his approval, attach such terms and conditions thereto as he considers appropriate.

(3) Where a parcel of land has a fixed assessment under ^{Procedure} subsection 1,

(a) the land shall be assessed in each year as if it did not ^{assessment} have a fixed assessment;

(b) the treasurer of the local municipality shall calculate ^{taxes} each year what the taxes would have been on the land if it did not have a fixed assessment;

(c) the treasurer shall keep a record of the difference ^{record} between the taxes paid each year and the taxes that would have been paid if the land did not have a fixed assessment and shall debit the land with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date.

(4) The Minister may, out of the moneys appropriated ^{Payment to municipality} therefor by the Legislature, pay in each year to a local municipality in respect of which an agreement made under subsection 1 is in force, an amount of money equal to the difference in the taxes paid pursuant to the agreement and the taxes that would have been paid if the land covered by the agreement did not have a fixed assessment.

(5) Where a local municipality receives an amount of money ^{Apportionment} under subsection 4, the council of the local municipality shall apportion the amount to each body in the same manner as taxes would have been apportioned if taxes had been levied in the normal manner on the assessment in accordance with clause *a* of subsection 3.

(6) Where the land or a part thereof that is subject to an ^{When agreement terminated} agreement under subsection 1 ceases to be put to the use that

was the basis for determining the fixed assessment, the agreement is thereupon terminated with respect to the land or such part thereof.

Registration
of agreement

(7) Any agreement entered into under subsection 1 may be registered against the land affected by the agreement and when registered such agreement runs with the land and the provisions thereof are binding upon and enure to the benefit of the owner of the land and, subject to the provisions of *The Registry Act*, any and all subsequent owners of the land.

R.S.O. 1970,
c. 409

Termination
of agreement,
as to all
lands

(8) Where an agreement is for any reason terminated in respect of the whole of the land, the owner shall pay to the local municipality the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3.

as to part
of lands

(9) Where an agreement is for any reason terminated in respect of a part of the land, the owner shall pay to the local municipality that portion of the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3, that is attributable to the portion of the land in respect of which the agreement is terminated.

Payment to
Minister

(10) Where a local municipality receives a payment under subsection 8 or 9, the treasurer of the municipality shall forthwith pay the amount of money received, including the amount of debited interest, to the Minister.

Termination
of agreement
by owner

(11) An agreement may be terminated on the 31st day of December in any year upon the owner of the land that is the subject of the agreement giving six months notice of such termination in writing to the municipality.

Apportion-
ment

(12) For the purposes of an apportionment required under any Act, the assessment used as the basis for such apportionment shall include the assessment determined under clause *a* of subsection 3.

Commence-
ment

29. This Act shall be deemed to have come into force on the 4th day of June, 1973.

Short title

30. This Act may be cited as *The Niagara Escarpment Planning and Development Act, 1973*.

An Act to provide for Planning and
Development of the Niagara Escarpment
and its Vicinity

1st Reading

June 4th, 1973

2nd Reading

June 14th, 1973

3rd Reading

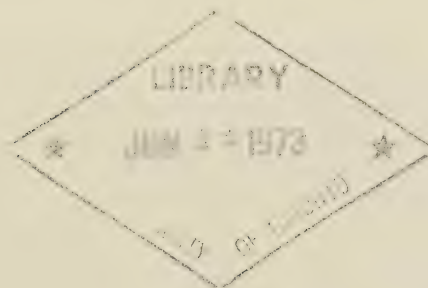
June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for Planning and Development
of the Parkway Belt**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill incorporates by reference the provisions of the Bill entitled *The Ontario Planning and Development Act, 1973*, and relates specifically to the development plan for the Parkway Belt Planning Area. The Bill includes the same provisions respecting payments in lieu of taxes on land owned by the Province and respecting fixed assessment agreements as are found in the Bill entitled *The Niagara Escarpment Planning and Development Act, 1973*. Land use regulations may be made by the Minister in respect of any land within the Parkway Belt Planning Area.

An Act to provide for Planning and Development of the Parkway Belt

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs, herein called the Minister, may, by order, establish as the Parkway Belt Planning Area the area of land in Ontario defined in the order.

2. When the Parkway Belt Planning Area has been established, the Minister may, in respect of the Planning Area, or any part thereof, direct that there be carried out an investigation and survey of the environmental, physical, social and economic conditions in relation to the development of the Planning Area, or any part thereof, and may cause to be prepared the Parkway Belt Plan.

3. *The Ontario Planning and Development Act, 1973*, except section 13, applies *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan shall be deemed to be a development plan within the meaning of that Act.

4.—(1) Every local municipality whose jurisdiction includes any part of the Parkway Belt Planning Area shall annually, on or before the 1st day of February, determine and advise the Minister of the number of acres to the nearest whole acre of all land in such municipality situate within the Planning Area and owned on the next preceding 1st day of January by Her Majesty in right of Ontario.

(2) The Minister may revise the number of acres so determined by a local municipality, and, where he does so, the determination of the number of acres by the Minister is, for the purposes of this section, final.

Payments

(3) Commencing with the year 1973, the Minister may, out of the moneys appropriated therefor by the Legislature, pay in each year to such municipality,

(a) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres; or

(b) \$100,

whichever is the greater.

Deduction of
moneys paid
under
1971, c. 78
and
R.S.O. 1970,
c. 292

(4) Notwithstanding subsection 3, when an amount of money is payable to any such local municipality in the same year in respect of any part of such land under *The Provincial Parks Municipal Tax Assistance Act, 1971* or under *The Municipal Tax Assistance Act*, no payment shall be made under this section in respect of that land.

Determina-
tion for 1973

(5) The annual determination required under subsection 1 shall be made, for the purposes of payments in 1973, as soon as is practicable after the coming into force of this Act.

Assessment
deemed
increased

5. The assessment of a local municipality that receives a payment under section 4 that is used for apportioning,

R.S.O. 1970,
c. 32

(a) a county rate under section 72 of *The Assessment Act*; or

(b) a metropolitan or regional levy under any Act establishing a metropolitan or regional municipality,

shall be deemed to be increased by an amount that would have produced the amount of payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Agreement
for fixed
assessment

6.—(1) Where the use of any land within the Parkway Belt Planning Area is not in conformity with the use designated for such land in the Parkway Belt Plan or in any local plan covering such land, and the assessment of such land is increased because of such designation, the local municipality in which the land is situate and the owner of the land may, with the approval of the Minister, enter into an agreement providing for a fixed assessment for the land reflecting the use to which the land is being put, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

(2) Every such agreement shall be for such term of years ^{Term of agreement} not exceeding three as the Minister approves and the Minister may, in granting his approval, attach such terms and conditions thereto as he considers appropriate.

(3) Where a parcel of land has a fixed assessment under ^{Procedure} subsection 1,

- (a) the land shall be assessed in each year as if it did ^{assessment} not have a fixed assessment ;
- (b) the treasurer of the local municipality shall calculate ^{taxes} each year what the taxes would have been on the land if it did not have a fixed assessment ; and
- (c) the treasurer shall keep a record of the difference ^{record} between the taxes paid each year and the taxes that would have been paid if the land did not have a fixed assessment and shall debit the land with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date.

(4) The Minister may, out of the moneys appropriated ^{Payment to municipality} therefor by the Legislature, pay in each year to a local municipality in respect of which an agreement made under subsection 1 is in force, an amount of money equal to the difference in the taxes paid pursuant to the agreement and the taxes that would have been paid if the land covered by the agreement did not have a fixed assessment.

(5) Where a local municipality receives an amount under ^{Apportionment} subsection 4, the council of the local municipality shall apportion the amount to each body in the same manner as taxes would have been apportioned if taxes had been levied in the normal manner on the assessment in accordance with clause a of subsection 3.

(6) Where the land or a part thereof that is subject to ^{When agreement terminated} an agreement under subsection 1 ceases to be put to the use that was the basis for determining the fixed assessment, the agreement is thereupon terminated with respect to the land or such part thereof.

(7) Any agreement entered into under subsection 1 may be ^{Registration of agreement} registered against the land affected by the agreement and when registered such agreement runs with the land and the provisions thereof are binding upon and enure to the benefit of the owner of the land and, subject to the provisions of *The* ^{R.S.O. 1970, c. 409} *Registry Act*, any and all subsequent owners of the land.

- Termination of agreement, as to all lands (8) Where an agreement is for any reason terminated in respect of the whole of the land, the owner shall pay to the local municipality the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3.
- as to part of lands (9) Where an agreement is for any reason terminated in respect of a part of the land, the owner shall pay to the local municipality that portion of the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3, that is attributable to the portion of the land in respect of which the agreement is terminated.
- Payment to Minister (10) Where a local municipality receives a payment under subsection 8 or 9, the treasurer of the local municipality shall forthwith pay the amount of money received, including the amount of debited interest, to the Minister.
- Termination of agreement by owner (11) An agreement may be terminated on the 31st day of December in any year upon the owner of the land that is the subject of the agreement giving six months notice of such termination in writing to the local municipality.
- Apportionment (12) For the purposes of an apportionment required under any Act, the assessment used as the basis for such apportionment shall include the assessment determined under clause *a* of subsection 3.
- Regulations 7.—(1) On and after the day this Act comes into force, the Minister may, in respect of any land within the Parkway Belt Planning Area, make land use regulations and in any such regulations the Minister may exercise any of the powers conferred upon the Minister under clause *a* of subsection 1 of section 32 of *The Planning Act*, and notwithstanding subsection 4 of the said section 32, any such regulation may be made that does not conform to a local plan in effect in the area covered by the regulation.
- R.S.O. 1970, c. 349
- Effective date of regulations (2) Any regulation made by the Minister under subsection 1 may be retroactive in its application and may provide that it comes into force and has effect on and after a day not earlier than the 4th day of June, 1973.
- Commencement 8. This Act shall be deemed to have come into force on the 4th day of June, 1973.
- Short title 9. This Act may be cited as *The Parkway Belt Planning and Development Act, 1973*.

An Act to provide for Planning and
Development of the Parkway Belt

1st Reading

June 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

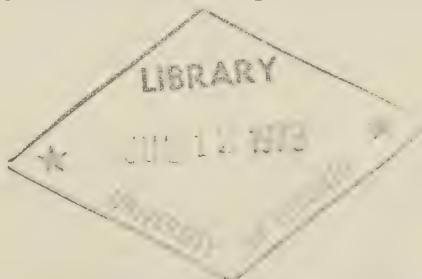
(Government Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for Planning and Development
of the Parkway Belt**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Resources Development Committee)



EXPLANATORY NOTE

The Bill incorporates by reference the provisions of the Bill entitled *The Ontario Planning and Development Act, 1973*, and relates specifically to the development plan for the Parkway Belt Planning Area. The Bill includes the same provisions respecting payments in lieu of taxes on land owned by the Province and respecting fixed assessment agreements as are found in the Bill entitled *The Niagara Escarpment Planning and Development Act, 1973*. Land use regulations may be made by the Minister in respect of any land within the Parkway Belt Planning Area.

BILL 130

1973

An Act to provide for Planning and Development of the Parkway Belt

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs, herein called the Minister, may, by order, establish as the Parkway Belt Planning Area the area of land in Ontario defined in the order.

(2) Where the Parkway Belt Planning Area has been established under subsection 1, the Minister shall include in the order a direction that there be carried out an investigation and survey of the environmental, physical, social and economic conditions in relation to the development of the Planning Area or any part thereof, and that there be prepared within a period of two years or such other period of time as the Minister in his order determines, the Parkway Belt Plan.

(3) Where any order is made under subsection 1, the Minister shall, on the day the order is made, or as soon thereafter as is practicable, lay the order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order approved, revoked or varied.

2. *The Ontario Planning and Development Act, 1973*, except section 12, applies *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan shall be deemed to be a development plan within the meaning of that Act.

3.—(1) Every local municipality whose jurisdiction includes any part of the Parkway Belt Planning Area shall annually, on or before the 1st day of February, determine and advise the Minister of the number of acres to the nearest whole acre of all land in such municipality situate within the Planning Area and owned on the next preceding 1st day of January by Her Majesty in right of Ontario.

Determina-
tion by
Minister

(2) The Minister may revise the number of acres so determined by a local municipality, and, where he does so, the determination of the number of acres by the Minister is, for the purposes of this section, final.

Payments

(3) Commencing with the year 1973, the Minister may, out of the moneys appropriated therefor by the Legislature, pay in each year to such municipality,

(a) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres; or

(b) \$100,

whichever is the greater.

Deduction of
moneys paid
under
1971, c. 78
and
R.S.O. 1970,
c. 292

(4) Notwithstanding subsection 3, when an amount of money is payable to any such local municipality in the same year in respect of any part of such land under *The Provincial Parks Municipal Tax Assistance Act, 1971* or under *The Municipal Tax Assistance Act*, no payment shall be made under this section in respect of that land.

Determina-
tion for 1973

(5) The annual determination required under subsection 1 shall be made, for the purposes of payments in 1973, as soon as is practicable after the coming into force of this Act.

Assessment
deemed
increased

4. The assessment of a local municipality that receives a payment under section 3 that is used for apportioning,

R.S.O. 1970,
c. 32

(a) a county rate under section 72 of *The Assessment Act*; or

(b) a metropolitan or regional levy under any Act establishing a metropolitan or regional municipality,

shall be deemed to be increased by an amount that would have produced the amount of payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Agreement
for fixed
assessment

5.—(1) Where the use of any land within the Parkway Belt Planning Area is not in conformity with the use designated for such land in the Parkway Belt Plan or in any local plan covering such land, and the assessment of such land is increased because of such designation, the local municipality in which the land is situate and the owner of the land may, with the approval of the Minister, enter into an agreement providing for a fixed assessment for the land reflecting the use to which the land is being put, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

(2) Every such agreement shall be for such term of years ^{Term of agreement} not exceeding three as the Minister approves and the Minister may, in granting his approval, attach such terms and conditions thereto as he considers appropriate.

(3) Where a parcel of land has a fixed assessment under ^{Procedure} subsection 1,

- (a) the land shall be assessed in each year as if it did ^{assessment} not have a fixed assessment;
- (b) the treasurer of the local municipality shall calculate ^{taxes} each year what the taxes would have been on the land if it did not have a fixed assessment; and
- (c) the treasurer shall keep a record of the difference ^{record} between the taxes paid each year and the taxes that would have been paid if the land did not have a fixed assessment and shall debit the land with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date.

(4) The Minister may, out of the moneys appropriated ^{Payment to municipality} therefor by the Legislature, pay in each year to a local municipality in respect of which an agreement made under subsection 1 is in force, an amount of money equal to the difference in the taxes paid pursuant to the agreement and the taxes that would have been paid if the land covered by the agreement did not have a fixed assessment.

(5) Where a local municipality receives an amount under ^{Apportionment} subsection 4, the council of the local municipality shall apportion the amount to each body in the same manner as taxes would have been apportioned if taxes had been levied in the normal manner on the assessment in accordance with clause a of subsection 3.

(6) Where the land or a part thereof that is subject to ^{When agreement terminated} an agreement under subsection 1 ceases to be put to the use that was the basis for determining the fixed assessment, the agreement is thereupon terminated with respect to the land or such part thereof.

(7) Any agreement entered into under subsection 1 may be ^{Registration of agreement} registered against the land affected by the agreement and when registered such agreement runs with the land and the provisions thereof are binding upon and enure to the benefit of the owner of the land and, subject to the provisions of *The Registry Act*, any and all subsequent owners of the land. R.S.O. 1970,
c. 409

Termination
of agreement,
as to all
lands

(8) Where an agreement is for any reason terminated in respect of the whole of the land, the owner shall pay to the local municipality the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3.

as to part
of lands

(9) Where an agreement is for any reason terminated in respect of a part of the land, the owner shall pay to the local municipality that portion of the amount debited against the land, including the amounts of interest debited in accordance with clause *c* of subsection 3, that is attributable to the portion of the land in respect of which the agreement is terminated.

Payment to
Minister

(10) Where a local municipality receives a payment under subsection 8 or 9, the treasurer of the local municipality shall forthwith pay the amount of money received, including the amount of debited interest, to the Minister.

Termination
of agreement
by owner

(11) An agreement may be terminated on the 31st day of December in any year upon the owner of the land that is the subject of the agreement giving six months notice of such termination in writing to the local municipality.

Apportion-
ment

(12) For the purposes of an apportionment required under any Act, the assessment used as the basis for such apportionment shall include the assessment determined under clause *a* of subsection 3.

Regulations

6.—(1) On and after the day this Act comes into force, the Minister may, in respect of any land within the Parkway Belt Planning Area, make land use regulations and in any such regulations the Minister may exercise any of the powers conferred upon the Minister under clause *a* of subsection 1 of section 32 of *The Planning Act*, and notwithstanding subsection 4 of the said section 32, any such regulation may be made that does not conform to a local plan in effect in the area covered by the regulation.

R.S.O. 1970,
c. 349

Effective
date of
regulations

(2) Any regulation made by the Minister under subsection 1 may be retroactive in its application and may provide that it comes into force and has effect on and after a day not earlier than the 4th day of June, 1973.

Commence-
ment

7. This Act shall be deemed to have come into force on the 4th day of June, 1973.

Short title

8. This Act may be cited as *The Parkway Belt Planning and Development Act, 1973*.

An Act to provide for Planning and
Development of the Parkway Belt

1st Reading

June 4th, 1973

2nd Reading

June 12th, 1973

3rd Reading

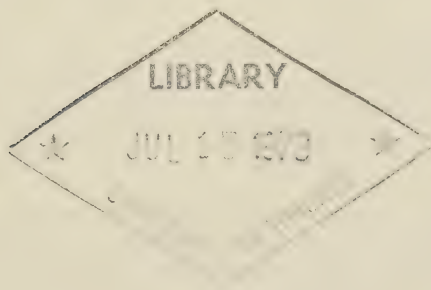
THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

(*Reprinted as amended by the
Resources Development Committee*)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for Planning and Development
of the Parkway Belt**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 130

1973

An Act to provide for Planning and Development of the Parkway Belt

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs, herein called the Minister, may, by order, establish as the Parkway Belt Planning Area the area of land in Ontario defined in the order.

(2) Where the Parkway Belt Planning Area has been established under subsection 1, the Minister shall include in the order a direction that there be carried out an investigation and survey of the environmental, physical, social and economic conditions in relation to the development of the Planning Area or any part thereof, and that there be prepared within a period of two years or such other period of time as the Minister in his order determines, the Parkway Belt Plan.

(3) Where any order is made under subsection 1, the Minister shall, on the day the order is made, or as soon thereafter as is practicable, lay the order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order approved, revoked or varied.

2. *The Ontario Planning and Development Act, 1973*, except section 12, applies *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan shall be deemed to be a development plan within the meaning of that Act.

3.—(1) Every local municipality whose jurisdiction includes any part of the Parkway Belt Planning Area shall annually, on or before the 1st day of February, determine and advise the Minister of the number of acres to the nearest whole acre of all land in such municipality situate within the Planning Area and owned on the next preceding 1st day of January by Her Majesty in right of Ontario.

Determina-
tion by
Minister

(2) The Minister may revise the number of acres so determined by a local municipality, and, where he does so, the determination of the number of acres by the Minister is, for the purposes of this section, final.

Payments

(3) Commencing with the year 1973, the Minister may, out of the moneys appropriated therefor by the Legislature, pay in each year to such municipality,

(a) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres; or

(b) \$100,

whichever is the greater.

Deduction of
moneys paid
under
1971, c. 78
and
R.S.O. 1970,
c. 292

(4) Notwithstanding subsection 3, when an amount of money is payable to any such local municipality in the same year in respect of any part of such land under *The Provincial Parks Municipal Tax Assistance Act, 1971* or under *The Municipal Tax Assistance Act*, no payment shall be made under this section in respect of that land.

Determina-
tion for 1973

(5) The annual determination required under subsection 1 shall be made, for the purposes of payments in 1973, as soon as is practicable after the coming into force of this Act.

Assessment
deemed
increased

4. The assessment of a local municipality that receives a payment under section 3 that is used for apportioning,

R.S.O. 1970,
c. 32

(a) a county rate under section 72 of *The Assessment Act*; or

(b) a metropolitan or regional levy under any Act establishing a metropolitan or regional municipality,

shall be deemed to be increased by an amount that would have produced the amount of payment received by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Agreement
for fixed
assessment

5.—(1) Where the use of any land within the Parkway Belt Planning Area is not in conformity with the use designated for such land in the Parkway Belt Plan or in any local plan covering such land, and the assessment of such land is increased because of such designation, the local municipality in which the land is situate and the owner of the land may, with the approval of the Minister, enter into an agreement providing for a fixed assessment for the land reflecting the use to which the land is being put, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements.

(2) Every such agreement shall be for such term of years ^{Term of agreement} not exceeding three as the Minister approves and the Minister may, in granting his approval, attach such terms and conditions thereto as he considers appropriate.

(3) Where a parcel of land has a fixed assessment under ^{Procedure} subsection 1,

- (a) the land shall be assessed in each year as if it did ^{assessment} not have a fixed assessment ;
- (b) the treasurer of the local municipality shall calculate ^{taxes} each year what the taxes would have been on the land if it did not have a fixed assessment ; and
- (c) the treasurer shall keep a record of the difference ^{record} between the taxes paid each year and the taxes that would have been paid if the land did not have a fixed assessment and shall debit the land with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date.

(4) The Minister may, out of the moneys appropriated ^{Payment to municipality} therefor by the Legislature, pay in each year to a local municipality in respect of which an agreement made under subsection 1 is in force, an amount of money equal to the difference in the taxes paid pursuant to the agreement and the taxes that would have been paid if the land covered by the agreement did not have a fixed assessment.

(5) Where a local municipality receives an amount under ^{Apportionment} subsection 4, the council of the local municipality shall apportion the amount to each body in the same manner as taxes would have been apportioned if taxes had been levied in the normal manner on the assessment in accordance with clause *a* of subsection 3.

(6) Where the land or a part thereof that is subject to ^{When agreement terminated} an agreement under subsection 1 ceases to be put to the use that was the basis for determining the fixed assessment, the agreement is thereupon terminated with respect to the land or such part thereof.

(7) Any agreement entered into under subsection 1 may be ^{Registration of agreement} registered against the land affected by the agreement and when registered such agreement runs with the land and the provisions thereof are binding upon and enure to the benefit of the owner of the land and, subject to the provisions of *The R.S.O. 1970, c. 409 Registry Act*, any and all subsequent owners of the land.

Termination of agreement, as to all lands	(8) Where an agreement is for any reason terminated in respect of the whole of the land, the owner shall pay to the local municipality the amount debited against the land, including the amounts of interest debited in accordance with clause <i>c</i> of subsection 3.
as to part of lands	(9) Where an agreement is for any reason terminated in respect of a part of the land, the owner shall pay to the local municipality that portion of the amount debited against the land, including the amounts of interest debited in accordance with clause <i>c</i> of subsection 3, that is attributable to the portion of the land in respect of which the agreement is terminated.
Payment to Minister	(10) Where a local municipality receives a payment under subsection 8 or 9, the treasurer of the local municipality shall forthwith pay the amount of money received, including the amount of debited interest, to the Minister.
Termination of agreement by owner	(11) An agreement may be terminated on the 31st day of December in any year upon the owner of the land that is the subject of the agreement giving six months notice of such termination in writing to the local municipality.
Apportionment	(12) For the purposes of an apportionment required under any Act, the assessment used as the basis for such apportionment shall include the assessment determined under clause <i>a</i> of subsection 3.
Regulations	6. —(1) On and after the day this Act comes into force, the Minister may, in respect of any land within the Parkway Belt Planning Area, make land use regulations and in any such regulations the Minister may exercise any of the powers conferred upon the Minister under clause <i>a</i> of subsection 1 of section 32 of <i>The Planning Act</i> , and notwithstanding subsection 4 of the said section 32, any such regulation may be made that does not conform to a local plan in effect in the area covered by the regulation.
R.S.O. 1970, c. 349	
Effective date of regulations	(2) Any regulation made by the Minister under subsection 1 may be retroactive in its application and may provide that it comes into force and has effect on and after a day not earlier than the 4th day of June, 1973.
Commencement	7. This Act shall be deemed to have come into force on the 4th day of June, 1973.
Short title	8. This Act may be cited as <i>The Parkway Belt Planning and Development Act, 1973</i> .

An Act to provide for Planning and
Development of the Parkway Belt

1st Reading

June 4th, 1973

2nd Reading

June 12th, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Regional Municipality of Niagara Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The subsection is brought into conformity with *The Municipal Conflict of Interest Act, 1972*.

SECTION 2. The amendments provide for the imposition of sewer rates by the Regional Council on the area municipalities and provide alternative methods for payment or levying of such charges by the area municipalities.

An Act to amend The Regional Municipality of Niagara Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 22 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*". s. 22 (4),
amended
2. Section 54 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 77, section 1, is repealed and the following substituted therefor: s. 54,
re-enacted

54.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received, a sewer rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures relating to the capital cost of any work or watercourse assumed or constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to such capital cost, and if the council of any area municipality considers itself aggrieved by the imposition of any rate under this section it may appeal to the Municipal Board whose decision shall be final. Imposition
of sewer rate

(2) An area municipality may,

- (a) pay the amounts chargeable to it under subsection 1 out of its general funds; or Raising of
money by
area muni-
cipality
- (b) subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or R.S.O. 1970,
c. 284

any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

s. 58 (2).
repealed

3. Subsection 2 of section 58 of the said Act is repealed.

s. 62a,
enacted

4. The said Act is amended by adding thereto the following section:

Payment of
charges

62a.—(1) All rates and charges against an area municipality imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts
and
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges imposed under the authority of this Part and may by by-law provide for interest in the event of default at a rate of 12 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 75a,
enacted

5. The said Act is further amended by adding thereto the following section:

Bus lanes,
designation
by by-law

75a. The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of a passenger transportation service.

SECTION 3. Repeal of this subsection is followed by its replacement by a more comprehensive section *62a* which covers all debts or charges under this Part of the Act.

SECTION 4. New section *62a* replaces and goes beyond the repealed subsection 2 of section 58, extending to all debts and charges under this Part of the Act and providing for discounts and penalties in the matter of payment.

SECTION 5. Section *75a* will enable the Regional Council or councils of area municipalities to designate bus lanes on roads under their respective jurisdictions and thereby facilitate the operation of transit systems.

SECTION 6. The amendments provide that members of the police force retire at age 60, in the case of policemen, and at age 65, in the case of civilian employees. In addition, councils may make retirement allowances available where they see fit to do so.

SECTION 7. Responsibility for key services needed in an emergency is now divided between the regional and area municipalities. The addition of subsections 3 and 4 to section 155 of the Act will enable the head of the council of an area municipality to request the Regional Council to co-ordinate and control the needed services to deal with the emergency.

SECTION 8. This amendment removes part of the declaration of qualification now contained in *The Municipal Conflict of Interest Act, 1972*.

- 6.—(1) Subsection 1 of section 112 of the said Act is amended ^{s. 112 (1), amended} by striking out “subsections 2 to 5” in the seventh line and inserting in lieu thereof “subsection 5”.
- (2) Clause *b* of subsection 3 of the said section 112 is repealed ^{s. 112 (3) (b), re-enacted} and the following substituted therefor:
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.
- (3) The said section 112 is amended by adding thereto the ^{s. 112, amended} following subsections:
- (4) Every civilian employee and assistant of the Niagara ^{Retirement of civilians} Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.
- (5) Section 239 of *The Municipal Act* applies *mutatis* ^{Application of R.S.O. 1970, c. 284, s. 239} *mutandis* to the Niagara Police Board.
7. Section 155 of the said Act is amended by adding thereto the ^{s. 155, amended} following subsections:
- (3) Where an emergency situation exists in an area municipality which cannot be adequately dealt with under the existing division of statutory responsibilities, the Regional Council may, at the request of the head of council of such area municipality, co-ordinate and control or operate all services, both of the Regional Corporation and of the area municipality, required to deal with such emergency. ^{Regional co-ordination of measures}
- (4) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be local municipalities ^{Regional Corporation deemed a county R.S.O. 1970, c. 145} that form part of the county for municipal purposes.
- (5) Where any service is provided by the Regional Corporation under subsection 3, the Regional Council may charge ^{Cost of providing service} the area municipality the cost of providing such service.
8. Paragraph 4 of Form 2 of the said Act is repealed. ^{Form 2, par. 4, repealed}
9. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
10. This Act may be cited as *The Regional Municipality of Niagara* ^{Short title} *Amendment Act, 1973*.

An Act to amend
The Regional Municipality
of Niagara Act

1st Reading

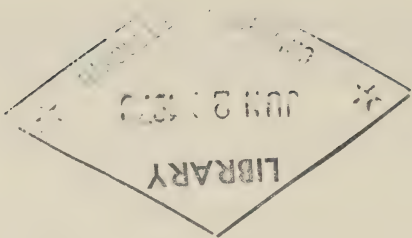
June 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)



CA20N

XB

-B 56

BILL 131

Ontario
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Regional Municipality of Niagara Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Regional Municipality of Niagara Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 22 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act*, 1972". s. 22 (4),
amended

2. Section 54 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 77, section 1, is repealed and the following substituted therefor: s. 54,
re-enacted

54.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received, a sewer rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures relating to the capital cost of any work or watercourse assumed or constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to such capital cost, and if the council of any area municipality considers itself aggrieved by the imposition of any rate under this section it may appeal to the Municipal Board whose decision shall be final. Imposition
of sewer rate

(2) An area municipality may, Raising of
money by
area muni-
cipality

 - (a) pay the amounts chargeable to it under subsection 1 out of its general funds; or
 - (b) subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or R.S.O. 1970,
c. 284

any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

s. 58 (2),
repealed

3. Subsection 2 of section 58 of the said Act is repealed.

s. 62a
enacted

4. The said Act is amended by adding thereto the following section:

Payment of
charges

62a.—(1) All rates and charges against an area municipality imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts
and
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges imposed under the authority of this Part and may by by-law provide for interest in the event of default at a rate of 12 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 75a,
enacted

5. The said Act is further amended by adding thereto the following section:

Bus lanes,
designation
by by-law

75a. The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of a passenger transportation service.

6.—(1) Subsection 1 of section 112 of the said Act is amended <sup>s. 112 (1),
amended</sup> by striking out "subsections 2 to 5" in the seventh line and inserting in lieu thereof "subsection 5".

(2) Clause *b* of subsection 3 of the said section 112 is repealed <sup>s. 112 (3) (b),
re-enacted</sup> and the following substituted therefor:

(*b*) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.

(3) The said section 112 is amended by adding thereto the <sup>s. 112,
amended</sup> following subsections:

(4) Every civilian employee and assistant of the Niagara <sup>Retirement
of civilians</sup> Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.

(5) Section 239 of *The Municipal Act* applies *mutatis* <sup>Application
of R.S.O. 1970,
c. 284, s. 239</sup> *mutandis* to the Niagara Police Board.

7. Section 155 of the said Act is amended by adding thereto the <sup>s. 155,
amended</sup> following subsections:

(3) Where an emergency situation exists in an area municipality which cannot be adequately dealt with under the <sup>Regional
Co-ordination
of measures</sup> existing division of statutory responsibilities, the Regional Council may, at the request of the head of council of such area municipality, co-ordinate and control or operate all services, both of the Regional Corporation and of the area municipality, required to deal with such emergency.

(4) For the purposes of *The Emergency Measures Act*, the <sup>Regional
Corporation
deemed a
county</sup> Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be local municipalities <sup>R.S.O. 1970,
c. 145</sup> that form part of the county for municipal purposes.

(5) Where any service is provided by the Regional Cor- <sup>Cost of
providing
service</sup> poration under subsection 3, the Regional Council may charge the area municipality the cost of providing such service.

8. Paragraph 4 of Form 2 of the said Act is repealed.

<sup>Form 2,
par. 4,
repealed</sup>

9. This Act comes into force on the day it receives Royal Assent.

<sup>Commence-
ment</sup>

10. This Act may be cited as *The Regional Municipality of Niagara* ^{Short title} *Amendment Act, 1973*.

An Act to amend
The Regional Municipality
of Niagara Act

1st Reading

June 4th, 1973

2nd Reading

June 12th, 1973

3rd Reading

June 14th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N

XB

-B 56

BILL 132

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The subsection is brought into conformity with *The Municipal Conflict of Interest Act, 1972*.

SECTION 2. Complementary to section 3 of the Bill.

SECTION 3. The application of section 194 and subsections 2 and 3 of section 209 of *The Municipal Act* to the Metropolitan Council broadens the power of Council in the appointment of a person to act in the place of the Chairman during his absence or illness or if the office is vacant.

SECTION 4. The amendment takes into account the provisions respecting disclosure and abstention from voting where a member of the Council has a pecuniary interest in a contract, etc., now found in *The Municipal Conflict of Interest Act, 1972*.

SECTION 5. The portion of the Township of Pickering described in the added subsection is annexed to the Borough of Scarborough.

BILL 132

1973

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 6 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 6 (5),
re-enacted

(5) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration
of office
R.S.O. 1970,
c. 284

2. Section 16 of the said Act is repealed. s. 16,
repealed

3. Subsection 2 of section 17 of the said Act is repealed and the following substituted therefor: s. 17 (2),
re-enacted

(2) Sections 190, 194, 200 and subsections 2 and 3 of section 209 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation. Idem

4. Subsection 3 of section 21 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act*, 1972." s. 21 (3),
amended

5. Section 148 of the said Act is amended by adding thereto the following subsection: s. 148,
amended

(1a) On the 1st day of January, 1974, that portion of the Township of Pickering described as follows is annexed to The Corporation of the Borough of Scarborough: Portion of
Pickering
annexed to
Scarborough

COMMENCING at a point in the western boundary of the Township of Pickering, where it is intersected by the middle of the main channel of the Little Rouge Creek;

THENCE in a general southeasterly direction following the middle of the main channels of the Little Rouge Creek and the Rouge River to its mouth at Lake Ontario;

THENCE southerly on the same course as the western boundary of the Township of Pickering to the International Boundary between Canada and the United States of America;

THENCE westerly along the said International Boundary to the southwest angle of the Township of Pickering;

THENCE northerly along the west boundary of the Township of Pickering, being along the boundary between the Township of Pickering and the Borough of Scarborough to the point of commencement.

Form 2,
par. 4,
repealed

6. Paragraph 4 of Form 2 of the said Act is repealed.

Pedestrian
promenades,
Yonge St.

7.—(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Gerrard Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 20th day of June and the 12th day of September in the year 1973 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

Idem,
Trinity
Square,
etc.

(2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Gerrard Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 20th day of June and the 12th day of September in the year 1973 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable.

Contribution
by City
toward costs

(3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

SECTION 6. The matters embodied in the repealed paragraph are now governed by *The Municipal Conflict of Interest Act, 1972*.

SECTION 7. Authority is provided for the establishing of pedestrian malls on and adjacent to a designated portion of Yonge Street between June 20th and September 12th in 1973.

SECTION 8. Self-explanatory.

- (4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section. Right to damages by reason of creation of promenade
- (5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6. Application of R.S.O. 1970, c. 284, s. 466
- (6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws, By-laws
- (a) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;
 - (b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;
 - (c) prohibiting or regulating and licensing any display, exhibition or advertising thereon;
 - (d) prohibiting or regulating and licensing the distribution or sale of literature, pamphlets, play bills or advertising thereon; and
 - (e) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences.
- (7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause a, b, c or d of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section. Effect on licences issued by Licensing Commission
8. The Metropolitan Council may, to such extent as it thinks fit, pay the legal costs incurred by the Ukrainian Canadian Committee Indemnification of Ukrainian Canadian Committee

mittee in respect of the inquiry held by His Honour Judge I. A. Vannini, as a Commissioner under *The Public Inquiries Act*, being chapter 379 of the Revised Statutes of Ontario, 1970, into the circumstances respecting the conduct of the public and the members of the Metropolitan Toronto Police Force at or in the vicinity of the Ontario Science Centre on the 25th day of October, 1971.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1973*.

An Act to amend
The Municipality of
Metropolitan Toronto Act

1st Reading

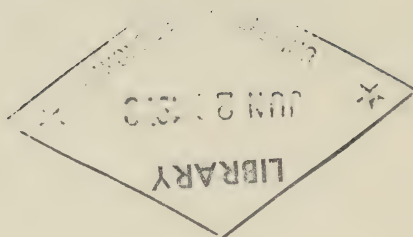
June 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)



CA20N

XB

BILL 132

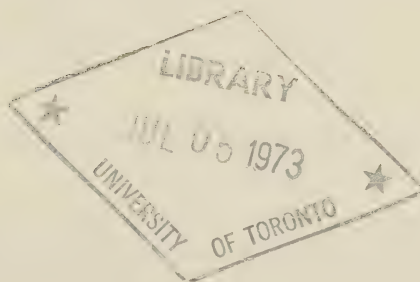
Government
Publications

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 6 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 6 (5),
re-enacted

(5) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration
of office
R.S.O. 1970,
c. 284

2. Section 16 of the said Act is repealed. s. 16,
repealed
3. Subsection 2 of section 17 of the said Act is repealed and the following substituted therefor: s. 17 (2),
re-enacted

(2) Sections 190, 194, 200 and subsections 2 and 3 of section 209 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation. Idem

4. Subsection 3 of section 21 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act*, 1972." s. 21 (3),
amended

5. Section 148 of the said Act is amended by adding thereto the following subsection: s. 148,
amended

(1a) On the 1st day of January, 1974, that portion of the Township of Pickering described as follows is annexed to The Corporation of the Borough of Scarborough: Portion of
Pickering
annexed to
Scarborough

COMMENCING at a point in the western boundary of the Township of Pickering, where it is intersected by the middle of the main channel of the Little Rouge Creek;

THENCE in a general southeasterly direction following the middle of the main channels of the Little Rouge Creek and the Rouge River to its mouth at Lake Ontario;

THENCE southerly on the same course as the western boundary of the Township of Pickering to the International Boundary between Canada and the United States of America;

THENCE westerly along the said International Boundary to the southwest angle of the Township of Pickering;

THENCE northerly along the west boundary of the Township of Pickering, being along the boundary between the Township of Pickering and the Borough of Scarborough to the point of commencement.

Form 2,
par. 4,
repealed

Pedestrian
promenades,
Yonge St.

6. Paragraph 4 of Form 2 of the said Act is repealed.

- 7.—**(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Gerrard Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 20th day of June and the 12th day of September in the year 1973 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.
- (2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Gerrard Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 20th day of June and the 12th day of September in the year 1973 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable.
- (3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

Idem,
Trinity
Square,
etc.

Contribution
by City
toward costs

(4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section.

Right to
damages
by reason
of creation
of promenade

(5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6.

Application
of R.S.O.
1970, c. 284,
s. 466

(6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws,

By-laws

(a) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;

(b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;

(c) prohibiting or regulating and licensing any display, exhibition or advertising thereon;

(d) prohibiting or regulating and licensing the distribution or sale of literature, pamphlets, play bills or advertising thereon; and

(e) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences.

(7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause a, b, c or d of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section.

Effect on
licences
issued by
Licensing
Commission

8. The Metropolitan Council may, to such extent as it thinks fit pay the legal costs incurred by the Ukrainian Canadian Com-

Indemnifi-
cation of
Ukrainian
Canadian
Committee

mittee in respect of the inquiry held by His Honour Judge I. A. Vannini, as a Commissioner under *The Public Inquiries Act*, being chapter 379 of the Revised Statutes of Ontario, 1970, into the circumstances respecting the conduct of the public and the members of the Metropolitan Toronto Police Force at or in the vicinity of the Ontario Science Centre on the 25th day of October, 1971.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1973*.

An Act to amend
The Municipality of
Metropolitan Toronto Act

1st Reading

June 4th, 1973

2nd Reading

June 11th, 1973

3rd Reading

June 11th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CA20N

XB

~~B 56~~

BILL 133

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ontario Energy Board Act

THE HON. W. G. DAVIS
Premier

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

SECTION 1. Self-explanatory.

SECTION 2. The present provision for a maximum of five members of the Board is removed and the minimum is increased to five members.

SECTION 3. Section 8 of the Act provides for the appointment of experts to assist the Board. The amendment will permit the Board, rather than the Lieutenant Governor in Council, to make such appointments.

SECTION 4. The amendment is complementary to section 23 of the Act which requires the Minister of Natural Resources to refer certain applications to the Board.

SECTION 5.—Subsection 1. The amendment adds to the circumstances under which the Board may give prompt approval to rate changes without determining a rate base.

An Act to amend The Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 1 of *The Ontario Energy Board Act*,^{s. 1, par. 9,} being chapter 312 of the Revised Statutes of Ontario, 1970,^{re-enacted} is repealed and the following substituted therefor:

9. "Minister" means the Minister of Energy.
2. Subsection 1 of section 2 of the said Act is repealed and the^{s. 2 (1),} following substituted therefor:^{re-enacted}

(1) The Ontario Energy Board is continued and shall^{Board,} consist of as many members, not fewer than five, as the^{composition} Lieutenant Governor in Council may from time to time determine.
3. Section 8 of the said Act is amended by striking out "Lieutenant^{s. 8,} Governor in Council" in the first line and inserting in lieu^{amended} thereof "Board".
4. Subsection 3 of section 13 of the said Act is amended by inserting^{s. 13 (3),} after "Minister" in the second line "or by the Minister of^{amended} Natural Resources".
- 5.—(1) Clauses *b* and *c* of subsection 7 of section 19 of the said^{s. 19 (7) (b, c),} Act are repealed and the following substituted therefor:^{re-enacted}

(b) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and not unjust or unreasonable in relation to the other rates and charges then being charged by the transmitter, distributor or storage company;

(c) in the case of the approval or fixing of prompt-payment discounts or delayed-payment penalties;

- (d) in the case of a transmitter, distributor or storage company that is selling, transmitting, distributing or storing gas, as the case may be, at a loss;
- (e) in the case of an application that does not contain a request for an increase in the rates or other charges then being charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company;
- (f) in the case of the approval or fixing of increased rates or other charges of a gas transmitter, gas distributor or storage company where the purpose and effect of increasing the rates or other charges is to permit the gas transmitter, gas distributor or storage company to recover all or part of increases approved, fixed, authorized or permitted by or under any statute, in the cost of gas purchased by or transmitted or stored for him or it; or
- (g) in the case of an order under subsection 8 of section 15 or subsection 11 of this section.

s. 19 (8),
amended

- (2) Subsection 8 of the said section 19 is amended by striking out "entered into prior to the 1st day of January, 1965" in the fifth line.

s. 21,
amended

- 6. Section 21 of the said Act is amended by adding thereto the following subsection:

Application
of section
R.S.O. 1970,
c. 154

- (5) This section applies notwithstanding subsections 2 and 3 of section 46 of *The Expropriations Act*.

s. 22 (2),
amended

- 7. Subsection 2 of section 22 of the said Act is amended by striking out "a transmitter or distributor" in the third line and inserting in lieu thereof "any person".

s. 23,
amended

- 8. Section 23 of the said Act is amended by adding thereto the following subsection:

Interpre-
tation

- (3) In this section, "Minister" means the Minister of Natural Resources.

s. 26 (1),
amended

- 9.—(1) Subsection 1 of section 26 of the said Act is amended by adding "or" at the end of clause *a*, by striking out "or" at the end of clause *b* and by striking out clause *c*.

s. 26 (2, 3),
re-enacted

- (2) Subsections 2 and 3 of the said section 26 are repealed and the following substituted therefor:

Subsection 2. Subsection 8 of section 19 of the Act provides that the Board is not bound by the terms of any contract entered into prior to the 1st day of January, 1965, which was the date that *The Ontario Energy Board Act, 1964* came into force.

For clarification, the amendment removes the reference to the date the Act came into force and leaves the statement in the subsection that the Board is not bound by the terms of any contract.

SECTION 6. The amendment removes possible doubt about the Ontario Energy Board's jurisdiction to determine compensation in respect of the use of gas storage areas.

SECTION 7. The provision amended requires the approval of the Board to agreements between a storage company and a transmitter or distributor for the storage of gas. This is extended to include anyone else entering into such an agreement with a storage company.

SECTION 8. The permit referred to in section 23 is a permit under *The Petroleum Resources Act, 1971*. That Act is administered by the Minister of Natural Resources.

SECTION 9. The amendments widen the definition of "associates" for the purposes of this section. The existing section only applies to gas transmitters, distributors and storage companies. As amended, the section will apply to any person.

(2) No person, without first obtaining the leave of the Lieutenant Governor in Council, shall acquire such number of any class of shares of a gas transmitter, gas distributor or storage company that together with shares already held by such person or by such person and an associate or associates of such person will in the aggregate exceed 20 per cent of the shares outstanding of that class of the gas transmitter, gas distributor or storage company.

(3) This section does not apply to a mortgage or charge to secure any loan or indebtedness or to secure any bond, debenture or other evidence of indebtedness.

(4) An application for leave under this section shall be made to the Board, which shall hold a public hearing and submit its report and opinion to the Lieutenant Governor in Council.

(5) Notwithstanding any other provision of this Act, in this section, "associate", when used to indicate a relationship with any person or company, means,

- (a) a person who has the power to direct or cause to be directed the management and policies of the company;
- (b) a company whose management and policies the person has the power to direct or to cause to be directed;
- (c) another company whose management and policies are subject to a power to direct or to cause to be directed by a person who also has power to direct or cause to be directed the management and policies of the company;
- (d) a partner of that person or company acting by or for the partnership of which they are both partners;
- (e) a trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity;
- (f) a spouse, son or daughter of that person;
- (g) a relative of such person or of his spouse, other than a relative referred to in clause *f* who has the same home as such person; or
- (h) any person who is obligated to act in concert with such person in exercising voting rights in respect of the shares of a company.

s. 33,
amended

- 10.** Section 33 of the said Act is amended by adding thereto the following subsection:

Proviso

(7) This section does not apply to an order made by the Board in respect of the conduct of a proceeding under section 37a.

s. 34,
amended

- 11.** Section 34 of the said Act is amended by striking out "sixty" in the second line and inserting in lieu thereof "twenty-eight".

s. 37a,
enacted

- 12.** The said Act is amended by adding thereto the following section:

Interpre-
tation

37a.—(1) In this section, "customer" means an industrial customer of The Hydro-Electric Power Commission of Ontario having an average annual power demand of 5,000 kilowatts or more or a municipal corporation or municipal electric utility commission.

Proposal by
The Hydro-
Electric
Power
Commission
of Ontario
to change
rates or
charges

(2) Where The Hydro-Electric Power Commission of Ontario proposes to change, effective on or after the 1st day of January, 1975, any of its rates or charges for any customer, it shall submit the proposal to the Minister not less than eight months before the date that the change is proposed to come into effect and the Minister shall refer the proposal to the Board.

Idem,
public
hearing
by Board

(3) Where a proposal is referred to the Board by the Minister pursuant to subsection 2, the Board forthwith by public advertisement shall give at least twenty days notice of and shall hold a public hearing with respect to the proposal and shall make a report or an interim report thereon to the Minister at least four months before the proposed effective date of such change and where the Board makes an interim report within such time it shall make a final report as soon as possible thereafter.

Idem

(4) The Minister at any time may refer to the Board, in addition to any proposed changes in rates or charges mentioned in subsection 2,

- (a) any existing or proposed rates or charges of The Hydro-Electric Power Commission of Ontario to its customers or any class thereof;
- (b) any matter in any way affecting or related to rates or charges by The Hydro-Electric Power Commission of Ontario to its customers including, without limiting the generality of the foregoing, principles and practices respecting power costing, rate-making, financing, service reliability, system expansion and operations; or

SECTION 10. The subsection prevents appeals related to procedural orders of the Board with respect to the conduct of public hearings pursuant to new section 37a of the Act.

SECTION 11. The time for filing a petition to the Lieutenant Governor in Council with respect to an order or decision of the Board is reduced from sixty to twenty-eight days.

SECTION 12. The section provides a forum for public scrutiny of rate increase proposals by The Hydro-Electric Power Commission of Ontario affecting its customers before such increases become effective.

The Hydro-Electric Power Commission of Ontario is required to submit proposals for rate increases that it proposes to have come into effect on or after January 1st, 1975 to the Minister who must refer them to the Ontario Energy Board for the purpose of a public hearing and report.

The Minister may also require the Board to hold a public hearing with respect to any matter mentioned in subsection 4 of the section.

SECTION 13. The section repealed provides that decisions of the Board are final and conclusive. The provision conflicts with certain appeal provisions in the Act and its deletion was recommended by the third report of the Royal Commission Inquiry into Civil Rights (Volume 5, page 1948, recommendation 23).

- (c) the principles used by or appropriate for use by The Hydro-Electric Power Commission of Ontario in the exercise of any power to approve, determine or fix rates or other charges under section 91, 93 or 96 of *The Power Commission Act*, R.S.O. 1970,
c. 354

and the Board shall hold a public hearing at which it shall investigate and examine into the matter referred to it and shall then report thereon to the Minister.

- (5) The power of the Minister set out in clause *a* of subsection Proviso 4 does not apply to rates or charges in effect before the 1st day of January, 1975.

- (6) A reference under this section may be general or Reference
may be
general or
particular particular in terms and may specify criteria or factors to guide the Board in making its investigation, examination and report.

- (7) The Board may at any time give directions as to the Directions
by Board nature and extent of interventions by persons interested in a matter that is to be the subject of a public hearing held pursuant to this section, may set aside for future examination any issue that in its opinion requires a more prolonged examination and may make interim reports pending its final report with respect to the subject-matter of any reference.

- (8) The Board may appoint from among a class of retail Board may
appoint class
representa-
tive customers of The Hydro-Electric Power Commission of Ontario having, in the opinion of the Board, a common interest, a person to represent that class at the hearing where it appears to the Board that the appointment should be made so that the class can be heard, but any other member of the class for which such appointment was made may be heard notwithstanding the appointment.

- (9) An interim or final report of the Board under this section Report of
Board shall contain a summary of the information presented and the views expressed at the public hearing together with the opinion of the Board and its reasons therefor with respect to the matter or matters reported on and the signatures of the members of the Board making the report, and the Board shall deliver a copy of the report to The Hydro-Electric Power Commission of Ontario forthwith after its making.

- (10) Upon delivery of a report under this section, the Public
inspection
of report Board shall make reasonable arrangements for inspection or purchase of copies by the public.

13. Section 46 of the said Act is repealed.

s. 46,
repealed

Commence-
ment

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Ontario Energy Board Amendment Act, 1973*.

An Act to amend
The Ontario Energy Board Act

1st Reading

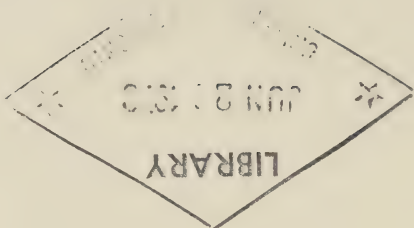
June 7th, 1973

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(Government Bill)



CA20N

XB

-B 56

BILL 133

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ontario Energy Board Act

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 1 of *The Ontario Energy Board Act* ^{s.1, par. 9,} being chapter 312 of the Revised Statutes of Ontario, 1970, ^{re-enacted} is repealed and the following substituted therefor:

9. "Minister" means the Minister of Energy.

2. Subsection 1 of section 2 of the said Act is repealed and the ^{s.2 (1),} following substituted therefor: ^{re-enacted}

(1) The Ontario Energy Board is continued and shall ^{Board,} consist of as many members, not fewer than five, as the ^{composition} Lieutenant Governor in Council may from time to time determine.

3. Section 8 of the said Act is amended by striking out "Lieutenant ^{s.8,} Governor in Council" in the first line and inserting in lieu ^{amended} thereof "Board".

4. Subsection 3 of section 13 of the said Act is amended by inserting ^{s.13 (3),} after "Minister" in the second line "or by the Minister of ^{amended} Natural Resources".

- 5.—(1) Clauses *b* and *c* of subsection 7 of section 19 of the said ^{s.19 (7) (b, c),} Act are repealed and the following substituted therefor: ^{re-enacted}

(b) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and not unjust or unreasonable in relation to the other rates and charges then being charged by the transmitter, distributor or storage company;

(c) in the case of the approval or fixing of prompt-payment discounts or delayed-payment penalties;

(d) in the case of a transmitter, distributor or storage company that is selling, transmitting, distributing or storing gas, as the case may be, at a loss;

(e) in the case of an application that does not contain a request for an increase in the rates or other charges then being charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company;

(f) in the case of the approval or fixing of increased rates or other charges of a gas transmitter, gas distributor or storage company where the purpose and effect of increasing the rates or other charges is to permit the gas transmitter, gas distributor or storage company to recover all or part of increases, approved, fixed, authorized or permitted by or under any statute, in the cost of gas purchased by or transmitted or stored for him or it; or

(g) in the case of an order under subsection 8 of section 15 or subsection 11 of this section.

s. 19 (8),
amended

(2) Subsection 8 of the said section 19 is amended by striking out "entered into prior to the 1st day of January, 1965" in the fifth line.

s. 21,
amended

6. Section 21 of the said Act is amended by adding thereto the following subsection:

Application
of section
R.S.O. 1970,
c. 154

(5) This section applies notwithstanding subsections 2 and 3 of section 46 of *The Expropriations Act*.

s. 22 (2),
amended

7. Subsection 2 of section 22 of the said Act is amended by striking out "a transmitter or distributor" in the third line and inserting in lieu thereof "any person".

s. 23,
amended

8. Section 23 of the said Act is amended by adding thereto the following subsection:

Interpre-
tation

(3) In this section, "Minister" means the Minister of Natural Resources.

s. 26 (1),
amended

9.—(1) Subsection 1 of section 26 of the said Act is amended by adding "or" at the end of clause *a*, by striking out "or" at the end of clause *b* and by striking out clause *c*.

s. 26 (2, 3),
re-enacted

(2) Subsections 2 and 3 of the said section 26 are repealed and the following substituted therefor:

(2) No person, without first obtaining the leave of the Lieutenant Governor in Council, shall acquire such number of any class of shares of a gas transmitter, gas distributor or storage company that together with shares already held by such person or by such person and an associate or associates of such person will in the aggregate exceed 20 per cent of the shares outstanding of that class of the gas transmitter, gas distributor or storage company. ^{Acquisition of share control}

(3) This section does not apply to a mortgage or charge to secure any loan or indebtedness or to secure any bond, debenture or other evidence of indebtedness. ^{Mortgages}

(4) An application for leave under this section shall be made to the Board, which shall hold a public hearing and submit its report and opinion to the Lieutenant Governor in Council. ^{Public hearing}

(5) Notwithstanding any other provision of this Act, in this section, "associate", when used to indicate a relationship with any person or company, means, ^{Interpretation}

- (a) a person who has the power to direct or cause to be directed the management and policies of the company;
- (b) a company whose management and policies the person has the power to direct or to cause to be directed;
- (c) another company whose management and policies are subject to a power to direct or to cause to be directed by a person who also has power to direct or cause to be directed the management and policies of the company;
- (d) a partner of that person or company acting by or for the partnership of which they are both partners;
- (e) a trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity;
- (f) a spouse, son or daughter of that person;
- (g) a relative of such person or of his spouse, other than a relative referred to in clause *f* who has the same home as such person; or
- (h) any person who is obligated to act in concert with such person in exercising voting rights in respect of the shares of a company.

s. 33,
amended

- 10.** Section 33 of the said Act is amended by adding thereto the following subsection:

Proviso

(7) This section does not apply to an order made by the Board in respect of the conduct of a proceeding under section 37a.

s. 34,
amended

- 11.** Section 34 of the said Act is amended by striking out "sixty" in the second line and inserting in lieu thereof "twenty-eight".

s. 37a,
enacted

- 12.** The said Act is amended by adding thereto the following section:

Interpre-
tation

37a.—(1) In this section, "customer" means an industrial customer of The Hydro-Electric Power Commission of Ontario having an average annual power demand of 5,000 kilowatts or more or a municipal corporation or municipal electric utility commission.

Proposal by
The Hydro-
Electric
Power
Commission
of Ontario
to change
rates or
charges

(2) Where The Hydro-Electric Power Commission of Ontario proposes to change, effective on or after the 1st day of January, 1975, any of its rates or charges for any customer, it shall submit the proposal to the Minister not less than eight months before the date that the change is proposed to come into effect and the Minister shall refer the proposal to the Board.

Idem,
public
hearing
by Board

(3) Where a proposal is referred to the Board by the Minister pursuant to subsection 2, the Board forthwith by public advertisement shall give at least twenty days notice of and shall hold a public hearing with respect to the proposal and shall make a report or an interim report thereon to the Minister at least four months before the proposed effective date of such change and where the Board makes an interim report within such time it shall make a final report as soon as possible thereafter.

Idem

(4) The Minister at any time may refer to the Board, in addition to any proposed changes in rates or charges mentioned in subsection 2,

- (a) any existing or proposed rates or charges of The Hydro-Electric Power Commission of Ontario to its customers or any class thereof;
- (b) any matter in any way affecting or related to rates or charges by The Hydro-Electric Power Commission of Ontario to its customers including, without limiting the generality of the foregoing, principles and practices respecting power costing, rate-making, financing, service reliability, system expansion and operations; or

- (c) the principles used by or appropriate for use by The Hydro-Electric Power Commission of Ontario in the exercise of any power to approve, determine or fix rates or other charges under section 91, 93 or 96 of *The Power Commission Act*,

R.S.O. 1970,
c. 354

and the Board shall hold a public hearing at which it shall investigate and examine into the matter referred to it and shall then report thereon to the Minister.

- (5) The power of the Minister set out in clause *a* of subsection 4 does not apply to rates or charges in effect before the 1st day of January, 1975. Proviso

- (6) A reference under this section may be general or particular in terms and may specify criteria or factors to guide the Board in making its investigation, examination and report. Reference may be general or particular

- (7) The Board may at any time give directions as to the nature and extent of interventions by persons interested in a matter that is to be the subject of a public hearing held pursuant to this section, may set aside for future examination any issue that in its opinion requires a more prolonged examination and may make interim reports pending its final report with respect to the subject-matter of any reference. Directions by Board

- (8) The Board may appoint from among a class of retail customers of The Hydro-Electric Power Commission of Ontario having, in the opinion of the Board, a common interest, a person to represent that class at the hearing where it appears to the Board that the appointment should be made so that the class can be heard, but any other member of the class for which such appointment was made may be heard notwithstanding the appointment. Board may appoint class representative

- (9) An interim or final report of the Board under this section shall contain a summary of the information presented and the views expressed at the public hearing together with the opinion of the Board and its reasons therefor with respect to the matter or matters reported on and the signatures of the members of the Board making the report, and the Board shall deliver a copy of the report to The Hydro-Electric Power Commission of Ontario forthwith after its making. Report of Board

- (10) Upon delivery of a report under this section, the Board shall make reasonable arrangements for inspection or purchase of copies by the public. Public inspection or report

13. Section 46 of the said Act is repealed.

s. 46,
repealed

Commence-
ment

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Ontario Energy Board Amendment Act, 1973*.

An Act to amend
The Ontario Energy Board Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 18th, 1973

THE HON. W. G. DAVIS
Premier

CA20N

XB

-B:56

BILL 134

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to establish the Ministry of Energy

THE HON. W. G. DAVIS
Premier

T O R O N T O

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes the Ministry of Energy and sets out the duties and objectives of the Minister of Energy.

BILL 134

1973

An Act to establish the Ministry of Energy

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Deputy Minister" means the Deputy Minister of Energy;

(b) "Minister" means the Minister of Energy;

(c) "Ministry" means the Ministry of Energy.

2. There shall be a ministry of the public service to be known as the Ministry of Energy.

Ministry
established

3. The Minister shall preside over and have charge of the Ministry.

Minister
to have
charge

4. The Minister is responsible for the administration of this Act, any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council and *The Ontario Energy Board Act* and *The Power Commission Act*.

Duties of
Minister
of Energy
R.S.O. 1970,
cc. 312, 354

5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Energy who shall be the deputy head of the Ministry.

Deputy
Minister
of Energy

(2) Such officers and employees as are required from time to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Protection
from personal
liability

Liability
of Crown
R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted.

Moneys
required by
Ministry

6. The expenditures of the Ministry for the fiscal year ending the 31st day of March, 1974, as approved by the Lieutenant Governor in Council, shall be paid out of the Consolidated Revenue Fund and thereafter the expenditures of the Ministry shall be paid out of the moneys appropriated therefor by the Legislature.

Seal

7.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

Objectives of
Minister

8. The Minister or the Deputy Minister, subject to the direction and control of the Minister, shall,

- (a) review energy matters on a continuing basis with regard to both short-term and long-term goals in relation to the energy needs of the Province of Ontario;
- (b) advise and assist the Government of Ontario in its dealings with other governments regarding energy matters;
- (c) make recommendations for the effective co-ordination of all energy matters within the Government of Ontario with a view to ensuring the consistent application of policy in every area of concern regarding energy and, notwithstanding the generality of the foregoing, with respect to adequacy of supplies, prices, franchises and the development of energy resources indigenous to Ontario; and
- (d) make recommendations regarding priorities for and the development of research in all aspects of energy of significance to Ontario, including the conservation of energy and the improvement of efficiency in its production and utilization and the development of new energy sources.

9. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation. Delegation of powers and duties

10. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees. Advisory committees

11. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

12. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

13. This Act may be cited as *The Ministry of Energy Act*, 1973. Short title

An Act to establish
the Ministry of Energy

1st Reading

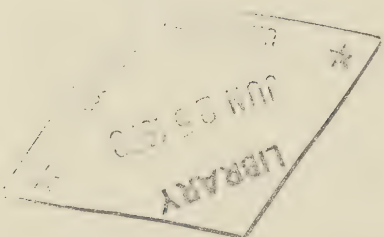
June 7th, 1973

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(Government Bill)



CA20N

XB

-B 56

BILL 134

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to establish the Ministry of Energy

THE HON. W. G. DAVIS
Premier

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 134

1973

An Act to establish the Ministry of Energy

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

(a) "Deputy Minister" means the Deputy Minister of Energy;

(b) "Minister" means the Minister of Energy;

(c) "Ministry" means the Ministry of Energy.

2. There shall be a ministry of the public service to be known as the Ministry of Energy.

Ministry established

3. The Minister shall preside over and have charge of the Ministry.

Minister to have charge

4. The Minister is responsible for the administration of this Act, any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council and *The Ontario Energy Board Act* and *The Power Commission Act*.

Duties of Minister of Energy
R.S.O. 1970,
cc. 312, 354

5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Energy who shall be the deputy head of the Ministry.

Deputy Minister of Energy

(2) Such officers and employees as are required from time to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Protection from personal liability

Liability
of Crown
R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted.

Moneys
required by
Ministry

6. The expenditures of the Ministry for the fiscal year ending the 31st day of March, 1974, as approved by the Lieutenant Governor in Council, shall be paid out of the Consolidated Revenue Fund and thereafter the expenditures of the Ministry shall be paid out of the moneys appropriated therefor by the Legislature.

Seal

7.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

Objectives of
Minister

8. The Minister or the Deputy Minister, subject to the direction and control of the Minister, shall,

- (a) review energy matters on a continuing basis with regard to both short-term and long-term goals in relation to the energy needs of the Province of Ontario;
- (b) advise and assist the Government of Ontario in its dealings with other governments regarding energy matters;
- (c) make recommendations for the effective co-ordination of all energy matters within the Government of Ontario with a view to ensuring the consistent application of policy in every area of concern regarding energy and, notwithstanding the generality of the foregoing, with respect to adequacy of supplies, prices, franchises and the development of energy resources indigenous to Ontario; and
- (d) make recommendations regarding priorities for and the development of research in all aspects of energy of significance to Ontario, including the conservation of energy and the improvement of efficiency in its production and utilization and the development of new energy sources.

9. Where, under this or any other Act, a power or duty is ^{Delegation of powers and duties} granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation.

10. Subject to the approval of the Lieutenant Governor in ^{Advisory committees} Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees.

11. The Minister after the close of each year shall submit ^{Annual report} to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

12. This Act comes into force on a day to be named by the ^{Commencement} Lieutenant Governor by his proclamation.

13. This Act may be cited as *The Ministry of Energy Act*, ^{Short title} 1973.

An Act to establish
the Ministry of Energy

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 18th, 1973

THE HON. W. G. DAVIS
Premier

CA20N

XB

-B 56

BILL 135

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Power Commission Act

THE HON. W. G. DAVIS
Premier

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. This amendment is complementary to section 4 of the Bill.

SECTION 3. Self-explanatory.

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Power Commission Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{Title, re-enacted}

“The Power Corporation Act”

2. Except as otherwise provided in this Act, the said Act is amended by striking out “Commission” wherever it occurs and inserting in lieu thereof in each instance “Corporation”. ^{Where Commission changed to Corporation}
- 3.—(1) Clause *a* of section 1 of the said Act is repealed and the following substituted therefor: ^{s. 1 (a), re-enacted}
- (a) “Board” means the Board of Directors of the Corporation.
- (2) Clause *b* of the said section 1 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Corporation”. ^{s. 1 (b), amended}
- (3) Clause *c* of the said section 1 is repealed and the following substituted therefor: ^{s. 1 (c), re-enacted}
- (c) “chairman” means the chairman of the Board and chief officer of the Corporation;
- (ca) “Corporation” means the body corporate continued by subsection 1 of section 2;
- (cb) “director” means a member of the Board.
- (4) The said section 1 is amended by adding thereto the following clauses: ^{s. 1, amended}
- (da) “Minister” means the Minister of Energy;

	(fa) "president" means the president of the Corporation.
s. 1 (h), amended	(5) Clause <i>h</i> of the said section 1 is amended by adding at the end thereof "and Intergovernmental Affairs".
s. 1 (j), amended	(6) Clause <i>j</i> of the said section 1 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Corporation or the Board".
ss. 2-6, re-enacted	4. Sections 2, 3, 4, 5 and 6 of the said Act are repealed and the following substituted therefor:
Corporation	2.—(1) The body corporate incorporated under the name of "The Hydro-Electric Power Commission of Ontario" is continued under the name of "Ontario Hydro" and shall be composed of those persons who from time to time comprise its Board.
Change not to affect rights, etc.	(2) The change in the name of the Corporation does not affect its rights or obligations.
Composition of Board	3.—(1) There shall be a Board of Directors of the Corporation consisting of a chairman, a vice-chairman, a president and not more than ten other directors.
Chairman	(2) The chairman shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.
Directors	(3) Each of the directors, other than the chairman and the president, shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding three years and may be reappointed for two further successive terms not exceeding three years each.
Vice- chairman	(4) The vice-chairman shall be designated by the Board from among the directors appointed by the Lieutenant Governor in Council.
President	(5) The Board shall appoint the president who shall be employed by the Corporation upon such terms of employment as the Board considers desirable.
Remunera- tion	(6) The chairman and the other directors appointed by the Lieutenant Governor in Council shall be paid such remuneration and expenses by the Corporation as may be determined from time to time by the Lieutenant Governor in Council, and such remuneration and expenses shall be part of the administration expense of the Corporation.

SECTION 4. The new sections 2 to 6 are a revision of the provisions of the Act with respect to the composition, appointment and tenure of office of the members of the Commission and of the executive committee of the Commission. Among the matters provided for in the new sections are:

1. The change of name of the Corporation.
2. The composition, appointment and tenure of office of the Board of Directors of the Corporation.
3. An increase in the maximum membership of the Board to thirteen members.
4. The meetings of the Board.
5. The finance committee of the Board.

(7) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of any director of the Corporation if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any remuneration or expenses under this Act, nor does he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. Seat in Assembly not vacated R.S.O. 1970, c. 240

(8) A director appointed by the Lieutenant Governor in Council may be removed from office before the expiration of his term for cause, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term. Removal of director for cause

4.—(1) The business and affairs of the Corporation are under the direction and control of the Board and the chairman shall preside at all meetings of the Board. Powers of Board

(2) Meetings of the Board shall be held at the call of the chairman, but in no case shall more than one month elapse between meetings of the Board. Meetings of Board

(3) The chairman shall call a meeting of the Board immediately upon being requested to do so in writing by a majority of the other directors. Calling of meetings

(4) In the event of the absence of the chairman and the vice-chairman from any meeting of the Board, the directors present shall elect an acting chairman who, for the purpose of the meeting, shall act as and have all the powers of the chairman. Absence of chairman

(5) A majority of the directors for the time being constitutes a quorum for the transaction of business at meetings of the Board. Quorum

5.—(1) The Board may pass resolutions regulating its proceedings, specifying the powers and duties of the officers and employees of the Corporation and generally for the conduct and management of the business and affairs of the Corporation. Resolutions of Board

(2) The Board may appoint a finance committee consisting of the chairman, the vice-chairman, the president and three other directors and may delegate to the committee the powers of the Board under sections 54 and 57, subject to the restrictions, if any, imposed from time to time by the Board. Finance committee

Quorum of
committee

(3) Three members of the finance committee, of whom one shall be the chairman or the vice-chairman or the president, constitute a quorum sufficient for the exercise of all the powers of the committee.

Chairman
to act full
time

6.—(1) The chairman shall devote his whole time to the performance of his duties.

Where
office of
chairman
vacant, etc.

(2) If the office of chairman is vacant, or in the absence of the chairman from the Province or during his incapacity to act, or at the request of the chairman, the vice-chairman shall act as chairman and while so acting has all the powers and shall discharge all of the duties and functions of the chairman.

s. 7 (1),
re-enacted

5.—(1) Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor:

Officers and
employees

(1) The Corporation may appoint and employ upon such terms as it approves such officers and employees as it considers necessary for the conduct of the affairs of the Corporation.

s. 7 (5),
re-enacted

(2) Subsection 5 of the said section 7 is repealed and the following substituted therefor:

Indemnifica-
tion of
officers and
directors

(5) Every director and every officer of the Corporation, and his heirs, executors and administrators, shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses shall be part of the administration expense of the Corporation.

s. 7 (6),
amended

(3) Subsection 6 of the said section 7 is amended by striking out "Commission" in the first line and in the fourth line and inserting in lieu thereof in each instance "Corporation", and by striking out "member" in the second line and inserting in lieu thereof "director".

s. 8,
repealed

6. Section 8 of the said Act is repealed.

s. 10,
re-enacted

7. Section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 73, is repealed and the following substituted therefor:

SECTION 5.—Subsection 1. The revision of the subsection is complementary to the revisions in section 4 of the Bill.

Subsection 2. The repealed subsection provided that no action might be brought against the Commission without the consent of the Attorney General. The new subsection provides for indemnification of the officers and directors of the Corporation by the Corporation.

Subsection 3. Complementary to section 4 of the Bill.

SECTION 6. The section provided for the Ontario Hydro-Electric Advisory Council.

SECTION 7. Complementary to section 4 of the Bill.

SECTION 8. Complementary to section 4 of the Bill.

SECTION 9.—Subsection 1. The amendment adds “bankers’ acceptances” to the banking instruments which may now be purchased from Canadian banks and permits all banking instruments to be purchased from banks in countries other than Canada as well as from Canadian banks.

Subsection 2. The amendment permits deposits to be made in other than Canadian banks.

SECTION 10.—Subsection 1. The re-enactment is complementary to section 4 of the Bill and changes the name of The Pension and Insurance Fund of The Hydro-Electric Power Commission of Ontario to The Pension and Insurance Fund of Ontario Hydro.

10. The Corporation shall, after the close of each fiscal ^{Annual report} year, file with the Minister an annual report upon the affairs of the Corporation signed by the chairman or the vice-chairman of the Corporation and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

8. Clause *c* of section 12 of the said Act is amended by striking ^{s. 12 (c),} out "commissioners" in the second line and inserting in lieu thereof "directors".

9.—(1) Paragraph 4 of subsection 1 of section 20 of the ^{s. 20 (1),} said Act is repealed and the following substituted there- ^{par. 4,} re-enacted for:

4. The deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies or by any other bank ^{R.S.C. 1970,} which is supervised or examined by the central bank ^{c. B-1} or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business.

(2) Subsection 2 of the said section 20 is repealed and the ^{s. 20 (2),} following substituted therefor: ^{re-enacted}

(2) The Corporation may deposit from time to time any part ^{Deposit of funds} of its general fund in any chartered bank of Canada, in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* or in any other bank ^{R.S.O. 1970,} which is supervised or examined by the central bank ^{c. 254} or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business on such terms and conditions and for such periods as the Corporation may consider expedient.

10.—(1) Subsection 1 of section 21 of the said Act is repealed ^{s. 21 (1),} and the following substituted therefor: ^{re-enacted}

(1) The Pension and Insurance Fund of The Hydro- ^{Pension and Insurance Fund} Electric Power Commission of Ontario, as heretofore established by the Corporation, in this section called the "fund", is continued under the name of "The Pension and Insurance Fund of Ontario Hydro" for the payment of benefits by way of pensions or superannuation allowances to, or allowances upon the death or disability of, such employees of the Corporation as the Corporation may determine in accordance with this section and any regulations made under this

section, and for the purposes of this section, "employee" includes any member or director of the Corporation who contributes or has contributed to the fund and any person in the employ of the Corporation on or after the 1st day of November, 1947.

s. 21,
amended

- (2) The said section 21 is amended by adding thereto the following subsection:

Pension and
Insurance
Plan

(5a) The Pension and Insurance Plan of The Hydro-Electric Power Commission of Ontario is continued under the name of "Ontario Hydro Pension and Insurance Plan".

s. 21 (6),
amended

- (3) Subsection 6 of the said section 21 is amended by striking out "the Commission may make regulations" in the second line and inserting in lieu thereof "the Corporation may make regulations with respect to the Ontario Hydro Pension and Insurance Plan, in this subsection called the 'plan'".

s. 21 (6) (a),
repealed

- (4) Clause *a* of subsection 6 of the said section 21 is repealed.

s. 39 (1),
re-enacted

- 11.**—(1) Subsection 1 of section 39 of the said Act is repealed and the following substituted therefor:

Disposal of
works to a
municipality

(1) The Corporation, upon such terms as it considers proper, may sell, lease or otherwise dispose of to a municipal corporation or commission any land or works, or any interest therein, that the Corporation is or has been using and such sale, lease or other disposal shall be deemed to be an agreement within the meaning of clause *s* of subsection 2 of section 293 of *The Municipal Act*.

R.S.O. 1970,
c. 284

s. 39 (3),
amended

- (2) Subsection 3 of the said section 39 is amended by striking out "*h*" in the ninth line and inserting in lieu thereof "*i*".

s. 54 (2),
amended

- 12.** Subsection 2 of section 54 of the said Act is amended by striking out "three" in the fifth line and in the twelfth line and inserting in lieu thereof in each instance "five".

s. 54a,
enacted

- 13.** The said Act is amended by adding thereto the following section:

Exchange
of bonds

1973, c. ...

54a.—(1) Notwithstanding anything in this Act, where the Corporation is required to replace or exchange any bond of an issue of bonds of the Corporation outstanding on the date *The Power Commission Amendment Act, 1973* comes into force, the Corporation may deliver a bond or bonds of the same issue in accordance with the terms and conditions applicable to such issue in the name of The Hydro-Electric Power Commission of Ontario, sealed in the name of The

Subsection 2. Self-explanatory.

Subsection 3. Complementary to subsection 2.

Subsection 4. Complementary to subsections 2 and 3.

SECTION 11.—Subsection 1. The amendment clarifies the right of a municipal corporation or commission to purchase land and works from the Commission over a number of years.

Subsection 2. The amendment corrects a cross-reference in the Act.

SECTION 12. The amendment extends the maximum short-term borrowing term from three to five years.

SECTION 13. The Corporation is permitted to deliver replacement bonds for any bonds of its issues outstanding on the date this Act comes into force in the same form and executed in the same manner as the bonds to be replaced. The provisions of subsection 1 also apply to the replacement of outstanding notes by the Corporation.

SECTION 14. The amendment broadens the range of banking institutions from which temporary loans may be made to include banks in countries other than Canada

SECTION 15. The Commission is permitted to charge municipalities appropriate interest on overdue power accounts.

SECTION 16. Complementary to section 4 of the Bill.

SECTION 17.—Subsection 1. Complementary to section 4 of the Bill.

Hydro-Electric Power Commission of Ontario, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and signed in such manner and by such persons as may be authorized by the Corporation.

(2) The provisions of subsection 1 shall apply *mutatis mutandis* to exchanges of notes of the Corporation comprising part of an issue of notes outstanding on the date *The Power Commission Amendment Act, 1973* comes into force. Exchange of notes

(3) All bonds or notes delivered in accordance with the provisions of this section are legal, valid and binding obligations of the Corporation. Validity of exchanged bonds and notes

(4) Nothing in this section affects the validity of any guarantee by the Province of Ontario of the payment of the principal of any bond or note mentioned in subsection 3 or of the interest thereon. Guarantee by Province of Ontario

- 14.** Subsection 1 of section 57 of the said Act is repealed and the following substituted therefor: s. 57 (1), re-enacted

(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation borrow by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) applies, from any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business or from any person such sums as the Corporation considers requisite, either by way of bank overdraft or loan or in any other manner whatsoever. Temporary loans R.S.C. 1970, c. B-1

- 15.** The said Act is further amended by adding thereto the following section: s. 63a, enacted

63a. Notwithstanding any agreement heretofore or hereafter entered into by the Corporation for the supply of power to a municipal corporation, interest on any payment in arrears for the cost of power shall be charged to and paid by the municipal corporation at such rate, not in excess of 9 per cent per annum, as may be determined by the Corporation from time to time. Interest on arrears by municipal corporation

- 16.** Subsection 4 of section 68 of the said Act is amended by striking out "Commission" in the second line and inserting in lieu thereof "Corporation". s. 68 (4), amended

- 17.—**(1) Subsection 1 of section 93 of the said Act is amended by striking out "Commission" in the second, sixth and tenth s. 93 (1), amended

lines and inserting in lieu thereof in each instance "Corporation" and by striking out "Commission or some member thereof" in the seventh and eighth lines and inserting in lieu thereof "Board".

s. 93 (2),
amended

- (2) Subsection 2 of the said section 93 is amended by striking out "Commission or a member thereof" in the first and second lines and inserting in lieu thereof "Board".

s. 93 (3),
repealed

- (3) Subsection 3 of the said section 93 is repealed.

s. 104,
amended

- 18.** Section 104 of the said Act is amended by striking out "Commission or of a member thereof" in the fourth line and inserting in lieu thereof "Board" and by striking out "Commission" in the fifth line and inserting in lieu thereof "Corporation".

Amendment
of reference
to The Hydro-
Electric
Power Com-
mission of
Ontario

- 19.** A reference in any Act or regulation to The Hydro-Electric Power Commission of Ontario or to *The Power Commission Act* shall be deemed to be a reference to Ontario Hydro and to *The Power Corporation Act*, respectively.

Commence-
ment

- 20.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 21.** This Act may be cited as *The Power Commission Amendment Act, 1973*.

Subsection 2. Complementary to section 4 of the Bill.

Subsection 3. The subsection provided that on hearings by the Commission upon complaints as to rates charged by a municipal corporation for power, the Commission had the powers of a commissioner under *The Public Inquiries Act*.

The Board of Directors of Ontario Hydro, on such a hearing, will now act in accordance with *The Statutory Powers Procedure Act, 1971*.

SECTION 18. The amendment is complementary to the amendment of section 93 of the Act and to section 4 of this Bill.

SECTION 19. Self-explanatory.

An Act to amend
The Power Commission Act

1st Reading

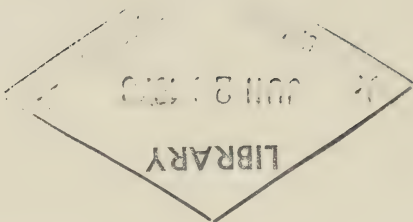
June 7th, 1973

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(Government Bill)



CA20N

XB

-B56

BILL 135

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Power Commission Act

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Power Commission Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{Title, re-enacted}

“The Power Corporation Act”

2. Except as otherwise provided in this Act, the said Act is amended by striking out “Commission” wherever it occurs and inserting in lieu thereof in each instance “Corporation”. ^{Where Commission changed to Corporation}

- 3.—(1) Clause *a* of section 1 of the said Act is repealed and the following substituted therefor: ^{s.1(a), re-enacted}

(a) “Board” means the Board of Directors of the Corporation.

- (2) Clause *b* of the said section 1 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Corporation”. ^{s.1(b), amended}

- (3) Clause *c* of the said section 1 is repealed and the following substituted therefor: ^{s.1(c), re-enacted}

(c) “chairman” means the chairman of the Board and chief officer of the Corporation;

(ca) “Corporation” means the body corporate continued by subsection 1 of section 2;

(cb) “director” means a member of the Board.

- (4) The said section 1 is amended by adding thereto the following clauses: ^{s.1, amended}

(da) “Minister” means the Minister of Energy;

.

- (fa) "president" means the president of the Corporation.
- s. 1 (h),
amended (5) Clause *h* of the said section 1 is amended by adding at the end thereof "and Intergovernmental Affairs".
- s. 1 (j),
amended (6) Clause *j* of the said section 1 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Corporation or the Board".
- ss. 2-6,
re-enacted 4. Sections 2, 3, 4, 5 and 6 of the said Act are repealed and the following substituted therefor:
- Corporation 2.—(1) The body corporate incorporated under the name of "The Hydro-Electric Power Commission of Ontario" is continued under the name of "Ontario Hydro" and shall be composed of those persons who from time to time comprise its Board.
- Change not
to affect
rights, etc. (2) The change in the name of the Corporation does not affect its rights or obligations.
- Composition
of Board 3.—(1) There shall be a Board of Directors of the Corporation consisting of a chairman, a vice-chairman, a president and not more than ten other directors.
- Chairman (2) The chairman shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.
- Directors (3) Each of the directors, other than the chairman and the president, shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding three years and may be reappointed for two further successive terms not exceeding three years each.
- Vice-
chairman (4) The vice-chairman shall be designated by the Board from among the directors appointed by the Lieutenant Governor in Council.
- President (5) The Board shall appoint the president who shall be employed by the Corporation upon such terms of employment as the Board considers desirable.
- Remunera-
tion (6) The chairman and the other directors appointed by the Lieutenant Governor in Council shall be paid such remuneration and expenses by the Corporation as may be determined from time to time by the Lieutenant Governor in Council, and such remuneration and expenses shall be part of the administration expense of the Corporation.

(7) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of any director of the Corporation if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any remuneration or expenses under this Act, nor does he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. Seat in Assembly not vacated R.S.O. 1970, c. 240

(8) A director appointed by the Lieutenant Governor in Council may be removed from office before the expiration of his term for cause, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term. Removal of director for cause

4.—(1) The business and affairs of the Corporation are under the direction and control of the Board and the chairman shall preside at all meetings of the Board. Powers of Board

(2) Meetings of the Board shall be held at the call of the chairman, but in no case shall more than one month elapse between meetings of the Board. Meetings of Board

(3) The chairman shall call a meeting of the Board immediately upon being requested to do so in writing by a majority of the other directors. Calling of meetings

(4) In the event of the absence of the chairman and the vice-chairman from any meeting of the Board, the directors present shall elect an acting chairman who, for the purpose of the meeting, shall act as and have all the powers of the chairman. Absence of chairman

(5) A majority of the directors for the time being constitutes a quorum for the transaction of business at meetings of the Board. Quorum

5.—(1) The Board may pass resolutions regulating its proceedings, specifying the powers and duties of the officers and employees of the Corporation and generally for the conduct and management of the business and affairs of the Corporation. Resolutions of Board

(2) The Board may appoint a finance committee consisting of the chairman, the vice-chairman, the president and three other directors and may delegate to the committee the powers of the Board under sections 54 and 57, subject to the restrictions, if any, imposed from time to time by the Board. Finance committee

Quorum of
committee

(3) Three members of the finance committee, of whom one shall be the chairman or the vice-chairman or the president, constitute a quorum sufficient for the exercise of all the powers of the committee.

Chairman
to act full
time

6.—(1) The chairman shall devote his whole time to the performance of his duties.

Where
office of
chairman
vacant, etc.

(2) If the office of chairman is vacant, or in the absence of the chairman from the Province or during his incapacity to act, or at the request of the chairman, the vice-chairman shall act as chairman and while so acting has all the powers and shall discharge all of the duties and functions of the chairman.

s. 7 (1),
re-enacted

5.—(1) Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor:

Officers and
employees

(1) The Corporation may appoint and employ upon such terms as it approves such officers and employees as it considers necessary for the conduct of the affairs of the Corporation.

s. 7 (5),
re-enacted

(2) Subsection 5 of the said section 7 is repealed and the following substituted therefor:

Indemnifica-
tion of
officers and
directors

(5) Every director and every officer of the Corporation, and his heirs, executors and administrators, shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses shall be part of the administration expense of the Corporation.

s. 7 (6),
amended

(3) Subsection 6 of the said section 7 is amended by striking out "Commission" in the first line and in the fourth line and inserting in lieu thereof in each instance "Corporation", and by striking out "member" in the second line and inserting in lieu thereof "director".

s. 8,
repealed

6. Section 8 of the said Act is repealed.

s. 10,
re-enacted

7. Section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 73, is repealed and the following substituted therefor:

10. The Corporation shall, after the close of each fiscal ^{Annual report} year, file with the Minister an annual report upon the affairs of the Corporation signed by the chairman or the vice-chairman of the Corporation and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

8. Clause *c* of section 12 of the said Act is amended by striking ^{s. 12 (c),} out "commissioners" in the second line and inserting in lieu ^{amended} thereof "directors".

9.—(1) Paragraph 4 of subsection 1 of section 20 of the ^{s. 20 (1),} said Act is repealed and the following substituted there- ^{par. 4,} ^{re-enacted} for:

4. The deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies or by any other bank ^{R.S.C. 1970,} which is supervised or examined by the central bank ^{c. B-1} or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business.

(2) Subsection 2 of the said section 20 is repealed and the ^{s. 20 (2),} following substituted therefor: ^{re-enacted}

(2) The Corporation may deposit from time to time any part ^{Deposit of funds} of its general fund in any chartered bank of Canada, in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* or in any other bank ^{R.S.O. 1970,} which is supervised or examined by the central bank or ^{c. 254} other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business on such terms and conditions and for such periods as the Corporation may consider expedient.

10.—(1) Subsection 1 of section 21 of the said Act is repealed ^{s. 21 (1),} and the following substituted therefor: ^{re-enacted}

(1) The Pension and Insurance Fund of The Hydro- ^{Pension and Insurance} Electric Power Commission of Ontario, as heretofore established ^{Fund} by the Corporation, in this section called the "fund", is continued under the name of "The Pension and Insurance Fund of Ontario Hydro" for the payment of benefits by way of pensions or superannuation allowances to, or allowances upon the death or disability of, such employees of the Corporation as the Corporation may determine in accordance with this section and any regulations made under this

section, and for the purposes of this section, "employee" includes any member or director of the Corporation who contributes or has contributed to the fund and any person in the employ of the Corporation on or after the 1st day of November, 1947.

s. 21,
amended

- (2) The said section 21 is amended by adding thereto the following subsection:

Pension and
Insurance
Plan

(5a) The Pension and Insurance Plan of The Hydro-Electric Power Commission of Ontario is continued under the name of "Ontario Hydro Pension and Insurance Plan".

s. 21 (6),
amended

- (3) Subsection 6 of the said section 21 is amended by striking out "the Commission may make regulations" in the second line and inserting in lieu thereof "the Corporation may make regulations with respect to the Ontario Hydro Pension and Insurance Plan, in this subsection called the 'plan'".

s. 21 (6) (a),
repealed

- (4) Clause *a* of subsection 6 of the said section 21 is repealed.

s. 39 (1),
re-enacted

- 11.**—(1) Subsection 1 of section 39 of the said Act is repealed and the following substituted therefor:

Disposal of
works to a
municipality

(1) The Corporation, upon such terms as it considers proper, may sell, lease or otherwise dispose of to a municipal corporation or commission any land or works, or any interest therein, that the Corporation is or has been using and such sale, lease or other disposal shall be deemed to be an agreement within the meaning of clause *s* of subsection 2 of section 293 of *The Municipal Act*.

R.S.O. 1970,
c. 284

s. 39 (3),
amended

- (2) Subsection 3 of the said section 39 is amended by striking out "*h*" in the ninth line and inserting in lieu thereof "*i*".

s. 54 (2),
amended

- 12.** Subsection 2 of section 54 of the said Act is amended by striking out "three" in the fifth line and in the twelfth line and inserting in lieu thereof in each instance "five".

s. 54a,
enacted

- 13.** The said Act is amended by adding thereto the following section:

Exchange
of bonds

1973, c. ...

54a.—(1) Notwithstanding anything in this Act, where the Corporation is required to replace or exchange any bond of an issue of bonds of the Corporation outstanding on the date *The Power Commission Amendment Act, 1973* comes into force, the Corporation may deliver a bond or bonds of the same issue in accordance with the terms and conditions applicable to such issue in the name of The Hydro-Electric Power Commission of Ontario, sealed in the name of The

Hydro-Electric Power Commission of Ontario, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and signed in such manner and by such persons as may be authorized by the Corporation.

(2) The provisions of subsection 1 shall apply *mutatis mutandis* to exchanges of notes of the Corporation comprising part of an issue of notes outstanding on the date *The Power Commission Amendment Act, 1973* comes into force. ^{Exchange of notes}

(3) All bonds or notes delivered in accordance with the provisions of this section are legal, valid and binding obligations of the Corporation. ^{Validity of exchanged bonds and notes}

(4) Nothing in this section affects the validity of any guarantee by the Province of Ontario of the payment of the principal of any bond or note mentioned in subsection 3 or of the interest thereon. ^{Guarantee by Province of Ontario}

14. Subsection 1 of section 57 of the said Act is repealed and the following substituted therefor: ^{s. 57 (1), re-enacted}

(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation borrow by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) applies, from any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business or from any person such sums as the Corporation considers requisite, either by way of bank overdraft or loan or in any other manner whatsoever. ^{Temporary loans} ^{R.S.C. 1970, c. B-1}

15. The said Act is further amended by adding thereto the following section: ^{s. 63a, enacted}

63a. Notwithstanding any agreement heretofore or hereafter entered into by the Corporation for the supply of power to a municipal corporation, interest on any payment in arrears for the cost of power shall be charged to and paid by the municipal corporation at such rate, not in excess of 9 per cent per annum, as may be determined by the Corporation from time to time. ^{Interest on arrears by municipal corporation}

16. Subsection 4 of section 68 of the said Act is amended by striking out "Commission" in the second line and inserting in lieu thereof "Corporation". ^{s. 68 (4), amended}

17.—(1) Subsection 1 of section 93 of the said Act is amended by striking out "Commission" in the second, sixth and tenth ^{s. 93 (1), amended}

lines and inserting in lieu thereof in each instance "Corporation" and by striking out "Commission or some member thereof" in the seventh and eighth lines and inserting in lieu thereof "Board".

s. 93 (2),
amended

- (2) Subsection 2 of the said section 93 is amended by striking out "Commission or a member thereof" in the first and second lines and inserting in lieu thereof "Board".

s. 93 (3),
repealed

- (3) Subsection 3 of the said section 93 is repealed.

s. 104,
amended

- 18.** Section 104 of the said Act is amended by striking out "Commission or of a member thereof" in the fourth line and inserting in lieu thereof "Board" and by striking out "Commission" in the fifth line and inserting in lieu thereof "Corporation".

Amendment
of reference
to The Hydro-
Electric
Power Com-
mission of
Ontario

- 19.** A reference in any Act or regulation to The Hydro-Electric Power Commission of Ontario or to *The Power Commission Act* shall be deemed to be a reference to Ontario Hydro and to *The Power Corporation Act*, respectively.

Commence-
ment

- 20.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 21.** This Act may be cited as *The Power Commission Amendment Act, 1973*.

An Act to amend
The Power Commission Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 18th, 1973

THE HON. W. G. DAVIS
Premier

CA20N

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-B56

BILL 136

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to repeal The Power Control Act

THE HON. W. G. DAVIS
Premier

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Power Control Act was enacted in 1939 as an emergency measure. Section 73 of *The Power Commission Act* now provides powers of control during a state of emergency.

BILL 136

1973

An Act to repeal The Power Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Power Control Act*, being chapter 356 of the ^{Act,} Revised Statutes of Ontario, 1970, is repealed.
_{repealed}
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.
_{ment}
3. This Act may be cited as *The Power Control Repeal* ^{Short title} Act, 1973.

BILL 136

An Act to repeal
The Power Control Act

1st Reading

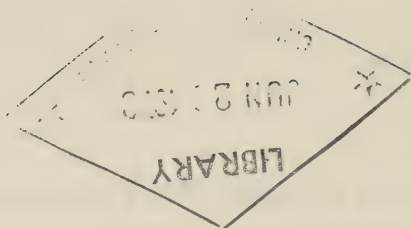
June 7th, 1973

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(Government Bill)



Government
Publication

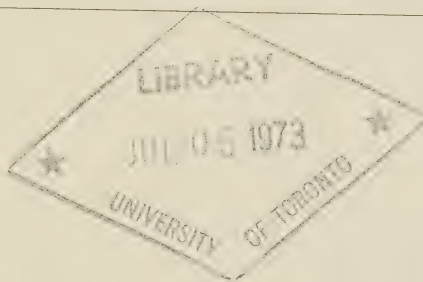
BILL 136

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to repeal The Power Control Act

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 136

1973

An Act to repeal The Power Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Power Control Act*, being chapter 356 of the ^{Act,} Revised Statutes of Ontario, 1970, is repealed._{repealed}
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
3. This Act may be cited as *The Power Control Repeal* ^{Short title} Act, 1973.

An Act to repeal
The Power Control Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 15th, 1973

THE HON. W. G. DAVIS
Premier

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Power Commission Insurance Act**

THE HON. W. G. DAVIS
Premier

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill is complementary to *The Power Commission Amendment Act, 1973*.

An Act to amend The Power Commission Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Power Commission Insurance Act*, being chapter 355 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: Title,
re-enacted

“The Power Corporation Insurance Act”

2. Clause *a* of section 1 of the said Act is repealed and the following substituted therefor: s. 1(a),
re-enacted

(a) “Corporation” means Ontario Hydro.

- 3.—(1) Subsection 1 of section 2 of the said Act is amended by striking out “Commission” in the first, third, eighth and twelfth lines and inserting in lieu thereof in each instance “Corporation”. s. 2(1),
amended
- (2) Subsection 2 of the said section 2 is amended by striking out “Commission” in the first, eighth and tenth lines and inserting in lieu thereof in each instance “Corporation”. s. 2(2),
amended
- (3) Subsection 3 of the said section 2 is amended by striking out “Commission” in the second line and in the sixth line and inserting in lieu thereof in each instance “Corporation”. s. 2(3),
amended
- 4.—(1) Subsection 1 of section 3 of the said Act is amended by striking out “Commission” in the third, seventh and ninth lines and inserting in lieu thereof in each instance “Corporation”. s. 3(1),
amended
- (2) Subsection 2 of the said section 3 is amended by striking out “Commission” in the first line and inserting in lieu thereof “Corporation”. s. 3(2),
amended

s. 4,
amended

5. Section 4 of the said Act is amended by striking out "Commission" in the first line and in the seventh line and inserting in lieu thereof in each instance "Corporation".

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Power Commission Insurance Amendment Act, 1973*.

BILL 137

An Act to amend
The Power Commission Insurance Act

1st Reading

June 7th, 1973

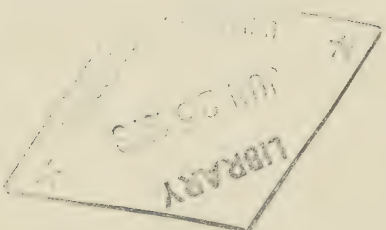
2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(Government Bill)

1973



CA20N

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-B 56

BILL 137

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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Power Commission Insurance Act**

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 137

1973

An Act to amend The Power Commission Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Power Commission Insurance Act*, being ^{Title, re-enacted} chapter 355 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

“The Power Corporation Insurance Act”

2. Clause *a* of section 1 of the said Act is repealed and the following ^{s. 1(a), re-enacted} substituted therefor:

(a) “Corporation” means Ontario Hydro.

- 3.—(1) Subsection 1 of section 2 of the said Act is amended by ^{s. 2(1), amended} striking out “Commission” in the first, third, eighth and twelfth lines and inserting in lieu thereof in each instance “Corporation”.

- (2) Subsection 2 of the said section 2 is amended by striking ^{s. 2(2), amended} out “Commission” in the first, eighth and tenth lines and inserting in lieu thereof in each instance “Corporation”.

- (3) Subsection 3 of the said section 2 is amended by striking ^{s. 2(3), amended} out “Commission” in the second line and in the sixth line and inserting in lieu thereof in each instance “Corporation”.

- 4.—(1) Subsection 1 of section 3 of the said Act is amended by ^{s. 3(1), amended} striking out “Commission” in the third, seventh and ninth lines and inserting in lieu thereof in each instance “Corporation”.

- (2) Subsection 2 of the said section 3 is amended by striking ^{s. 3(2), amended} out “Commission” in the first line and inserting in lieu thereof “Corporation”.

s. 4,
amended

5. Section 4 of the said Act is amended by striking out "Commission" in the first line and in the seventh line and inserting in lieu thereof in each instance "Corporation".

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Power Commission Insurance Amendment Act, 1973*.

BILL 137

An Act to amend
The Power Commission Insurance Act

1st Reading

June 7th, 1973

2nd Reading

June 15th, 1973

3rd Reading

June 15th, 1973

THE HON. W. G. DAVIS
Premier

CA20N

XB

-B 56

BILL 138

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Peel**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the formation of three area municipalities by the amalgamation and annexation of the ten local municipalities in the County of Peel, together with a portion of the Town of Oakville in the County of Halton. It also provides for the dissolution of the County of Peel and the incorporation of The Regional Municipality of Peel.

The Bill is divided into ten Parts:

- | | |
|-----------|--|
| PART I | Area municipalities |
| PART II | Incorporation and establishment of the Council of the
Regional Area |
| PART III | Regional Road System |
| PART IV | Planning |
| PART V | Health and Welfare Services |
| PART VI | Police |
| PART VII | Regional Water Works System |
| PART VIII | Regional Sewage Works |
| PART IX | Finances |
| PART X | General |

**An Act to establish
The Regional Municipality of Peel**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Mississauga, the Town of Brampton and the Township of Albion, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Peel together with that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause a of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Peel;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

- (a) The Corporation of the Town of Port Credit and The Corporation of the Town of Streetsville are amalgamated as a city municipality bearing the name of The Corporation of the City of Mississauga and the portions of the Town of Mississauga and the Town of Oakville described as follows are annexed to such city:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the line between Lots 12 and 13, West of Hurontario Street;

THENCE in a general easterly direction the following courses;

EASTERLY along the line between Lots 12 and 13 to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession I;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE southerly, southwesterly and southerly along the easterly limit of the present Town of Mississauga to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement all in accordance with the limits described in subsection 2 of section 8 of *The Territorial Division Act*. R.S.O. 1970, c. 458

SECONDLY, part of the Town of Oakville, commencing where the east limit of the present Town of Oakville intersects the centre-line of the King's Highway No. 5;

THENCE westerly along that line to the east limit of the Ninth Line Road;

THENCE northerly along that limit to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the place of commencement.

- (b) The Corporation of the Town of Brampton is continued as a town municipality and those portions of the Township of Toronto Gore, the Town of Mississauga and the Township of Chinguacousy described as follows are annexed to such town:

FIRSTLY, part of the Township of Toronto Gore, commencing where the west limit of the present Township of Toronto Gore intersects the westerly prolongation of the line between Lots 16 and 17 of the said Township;

THENCE easterly along that line and its prolongations to the east limit of the Township;

THENCE southerly, westerly and northerly along the east, south and west limits of the Township to the place of commencement;

SECONDLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the centre-line median of the Macdonald-Cartier Freeway;

THENCE northerly, easterly and southerly along the west, north and east limits of the Town to the easterly prolongation of the line between Lots 12 and 13 of the former Township of Toronto;

THENCE in a general westerly direction the following courses;

WESTERLY to the west limit of Concession IX;

NORTHERLY along that limit to the line between the north and south halves of Lot 14;

WESTERLY along that line to the east limit of Concession IV;

SOUTHERLY along that limit to the line between Lots 13 and 14;

WESTERLY along that line to the centre-line of Concession IV;

SOUTHERLY along that centre-line to the line between the north one-quarter and the south three-quarter of Lot 13;

WESTERLY along that line to the east limit of Concession III;

SOUTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 13;

WESTERLY along that line to the centre-line of Concession III;

SOUTHERLY along that centre-line to the line between the north one-quarter and the south three-quarter of Lot 12;

WESTERLY along that line to the east limit of Concession II;

SOUTHERLY along that limit to the line between Lots 12 and 11;

WESTERLY along that line to the west limit of Concession II;

NORTHERLY along that limit to the line between the north three-quarter and south one-quarter of Lot 12;

WESTERLY along that line to the centre-line of Concession I;

NORTHERLY along that centre-line to the centre-line of Lot 12;

WESTERLY along that centre-line to the west limit of Concession I, West of Hurontario Street;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

WESTERLY along that line to the west limit of Concession II;

NORTHERLY along that limit to the line between Lots 12 and 13;

WESTERLY along that line to the centre-line of Concession III;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

WESTERLY along that centre-line to the west limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and the south three-quarter of Lot 12;

WESTERLY along that line to the west limit of Concession IV;

NORTHERLY along that limit to the line between Lots 12 and 13;

WESTERLY along that line to the centre-line median of the Macdonald-Cartier Freeway;

THENCE westerly along that centre-line to the place of commencement;

THIRDLY, part of the Township of Chinguacousy, commencing where the south limit of the present Township of Chinguacousy intersects the west limit of the present Town of Brampton;

THENCE westerly along that limit to the west limit of the Township;

THENCE northerly along that limit to the westerly prolongation of the line between Lots 16 and 17 of the said Township;

THENCE generally easterly along that line and its prolongations to the east limit of the Township;

THENCE southerly along that limit to the south limit of the Township;

THENCE westerly along that limit to the west limit of the present Town of Brampton;

THENCE northerly, westerly and southerly along the limits of the Town of Brampton to the place of commencement.

- (c) The Corporation of the Township of Albion, The Corporation of the Township of Caledon, The Corporation of the Village of Bolton and The Corporation of the Village of Caledon East are amalgamated as a township municipality bearing the name of The Corporation of the Township of Albion and the portions of the Township of Chinguacousy and the Township of Toronto Gore described as follows are annexed to such township:

FIRSTLY, part of the Township of Chinguacousy, commencing where the west limit of the present Township of Chinguacousy intersects the westerly

prolongation of the line between Lots 16 and 17 of the said Township;

THENCE northerly, westerly and southerly along the west, north and east limit of the Township to the easterly prolongation of the line between Lots 16 and 17;

THENCE generally westerly along that line and its prolongations to the place of commencement;

SECONDLY, part of the Township of Toronto Gore, commencing where the west limit of the present Township of Toronto Gore intersects the westerly prolongation of the line between Lots 16 and 17 of the said Township;

THENCE northerly, easterly and southerly along the west, north and east limits of the Township to the easterly prolongation of the line between Township Lots 16 and 17;

THENCE westerly along that line and its prolongations to the place of commencement.

(2) The following police villages are dissolved on the 1st day of January, 1974: Dissolution of police villages

1. The Police Village of Alton.
2. The Police Village of Caledon.
3. The Police Village of Inglewood.
4. The Police Village of Palgrave.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipi-

Amalgamations, annexations, and dissolutions deemed by Municipal Board orders R.S.O. 1970, cc. 323, 284

R.S.O. 1970,
c. 284

palities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum
re area muni-
cipality
names

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of area
municipal
councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

- 1. The City of Mississauga—Nine members elected by wards.
- 2. The Town of Brampton—Fifteen members elected by wards.
- 3. The Township of Albion—Nine members elected by wards.

First
elections and
term of
office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities and members thereof to represent the area municipality on the Regional Council,

- (a) the Minister may by order, divide into wards each area municipality as constituted by section 2 and make provision for the respective numbers of members

of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order, provide for the qualification of candidates; and

(c) the Minister shall by order,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of 1972, c. 95} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

(5) The members of the council of each area municipality ^{Organization committee in 1973} elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

(6) Notwithstanding the provisions of this section, for the ^{Towns of Port Credit and Streetsville to each constitute one ward} purposes of the elections to council of the area municipality of the City of Mississauga to be held in the year 1973 and the year 1976 the Town of Port Credit and the Town of Streetsville shall, as they exist on the day this Act comes into force, each be constituted as a ward of the said City, entitled to elect from such ward one member to the council of the said City.

4. The expenses of the local municipalities for the elections ^{First election expenses} to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

6.—(1) On the 15th day of October, 1973, the inhabitants ^{Regional Corporation constituted} of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Peel".

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
judicial
district

R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Peel, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of Peel
deemed
appointments
for Judicial
District of
Peel

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Peel shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Peel.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-two members composed of a chairman and,

- (a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) nine members of council from the City of Mississauga being the remainder of the council of the City;
- (c) five members of council from the Town of Brampton elected by wards as members of the Regional Council and such town council; and

- (d) four members of council from the Township of Albion elected by wards as members of the Regional Council and such township council.

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1973, 1974, 1975 and 1976. Term of office

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman member of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting. First meeting 1973

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the First meeting of area councils

year 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and
declaration of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office

R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,
voting

11.—(1) Twelve members of the Regional Council representing all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12. Subject to section 10, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints. Place of meeting

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. Other members

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils. Resignation

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. Where head of council incapacitated

Remunera-
tion

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-
tion of
committee
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
administra-
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application
of
R.S.O. 1970,
c. 284

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act

in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation. Idem

20.—(1) The Regional Council shall appoint a clerk, whose duty it is, Appointment of clerk

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. Deputy clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. Acting clerk

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section. Acting clerk, first meeting

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Minutes open to inspection

Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable in
evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment
of treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of the treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and
disbursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of
cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disqualifica-
tion of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the

local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave credits

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. Holidays

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Peel or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. Offer of employment

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973. Entitlement to salary

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. Application of R.S.O. 1970, c. 324

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so Offer of employment

employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension
rights and
sick leave
credits

(11) Where under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

28. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29. —(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Peel shall constitute the regional road system together with those roads under the jurisdiction and control of the County of Halton that are included within the area municipality of the City of Mississauga.

County roads
to constitute
regional road
system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Adding or
removing
roads by
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of
provincial
highway to
Regional
Corporation

R.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of
roads in
regional road
system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of
roads from
regional road
system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads
removed from
system

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Status of
land acquired
for widening
regional road

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Idem

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect on and after the day named by the Lieutenant Governor in Council.

Application of
R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construction
and
maintenance

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of
information
to Minister

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Power over
roads
assumed

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Peel or the County of Halton or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the

same manner and to the same extent as the County of Peel or the County of Halton or the area municipality or municipalities as the case may be, might have done if the roads had not become part of the regional road system.

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area
municipi-
palities may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipi-
pality to
conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

R.S.O. 1970,
c. 201, s. 97
subs. 4 not
to apply

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation
of traffic
control
devices

Relocation of
intersecting
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other roads
by regional
road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities
of Regional
Corporation

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
cc. 284, 202

Establish-
ment of
bus lanes

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purposes of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970,
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of regional roads

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing

Agreements for pedestrian walks

the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between area
municipi-
palities

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional Area
and adjoining
municipality

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining

municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

46.—(1) The Regional Council has, with respect to all ^{Restrictions} land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. ^{R.S.O. 1970, c. 349}

(2) In the event of conflict between a by-law passed under ^{Conflict with local by-laws} subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

47.—(1) The Regional Council may by by-law designate ^{Controlled-access roads} any road in the regional road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the ^{Closing municipal roads} Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any ^{Notice of application for approval for closing road} application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of ^{Order of O.M.B.} the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads,
etc., opening
upon regional
controlled-
access road

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48.

Service
of notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure
to comply
with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation

to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by notice.

(4) Every person who fails to comply with a notice given ^{Offence} under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any ^{Regional liability} road forming part of the regional road system ^{where road forms part of system}.

(2) Where a road forms part of the regional road system, ^{Idem} the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share ^{R.S.O. 1970, c. 255} of a local improvement work.

(3) Where the Regional Corporation fails to make any ^{Default} payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any out- ^{Settling of doubts} standing debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of
R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
area
R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Peel Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Peel Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Peel Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Area municipal-
ities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

(6) When the Minister has approved an official plan ^{Effect of official plan} adopted by the Regional Council,

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor ^{R.S.O. 1970, c. 349} thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey ^{Planning duties of Regional Council} the physical, social and economic conditions in relation to the development of the Peel Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Peel Planning Area, and without limiting the generality of the foregoing shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area;

(b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area; and

(c) consult with any local board having jurisdiction within the Peel Planning Area.

(2) The Regional Council, before the 31st day of December, ^{Official plan} 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area ^{Appointment of planning staff} municipality may appoint such planning committees and staff as it considers necessary.

(4) Subject to this Part, the Regional Corporation shall ^{Regional Corporation deemed municipality under R.S.O. 1970, c. 349} be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Regional Corporation shall be deemed to be a ^{idem} county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof, created by statute for the carrying out of studies relating to the Peel Planning Area or any part thereof.

Delegation
of Minister's
powers

R.S.O. 1970,
c. 349

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of
adjustment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Peel Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of
R.S.O. 1970,
c. 349

56. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

Liability
for hospital-
ization of
indigents
R.S.O. 1970,
cc. 378, 361

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the

31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Peel or that part of the Town of Oakville which becomes part of the City of Mississauga on the 1st day of January, 1974.

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. Proviso

58.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81. Hospital costs form part of regional levy

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Peel Regional Board of Health. The Regional Area to be health unit R.S.O. 1970, c. 377

(2) The health unit serving the County of Peel on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Peel Regional Board of Health. Dissolution of Peel health unit

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974 the Peel Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of certain
members

(2) The members of the Peel Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board
R.S.O. 1970,
c. 377

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Peel Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270, 422,
490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
for homes
for aged
R.S.O. 1970,
c. 206

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest*

Homes Act, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

(2) The Peel Manor Home for the Aged and Sheridan Villa Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Peel county
homes for
aged vested
in Regional
Corporation

63.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents
of other
homes for
aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of
maintenance
payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 64

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing
liabilities
transferred
1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability
under order
made under
R.S.C. 1970,
c. J-3

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Information

68. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect

Adjustments

of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

70. In this Part, "Peel Police Board" means the Peel Regional Board of Commissioners of Police.

Peel
Regional
Board
established
R.S.O. 1970,
c. 351

71.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973 a board of commissioners of police shall be constituted to be known as the Peel Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of Peel designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Peel Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

72.—(1) On and after the 1st day of January, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 accord-

ing to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

(b) *The Police Act* does not apply to any area municipality; and R.S.O. 1970,
c. 351

(c) The Peel Police Board and the members of the Peel Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws ^{Fines} of any area municipality, shall where prosecuted by the Peel Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force ^{Area police force} of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Peel Regional Police Force, and the provisions of subsections 4 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a ^{Peel Regional Police Force} local municipality on the 31st day of December, 1973, and becomes a member of the Peel Regional Police Force on the 1st day of January, 1974, is subject to the government of the Peel Police Board to the same extent as if appointed by the Peel Police Board and the Peel Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Peel Regional Police.

(3) Every person who becomes a member of the Peel ^{Terms of employment} Regional Police Force under subsection 1 shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Peel Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System,

and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the Town of Mississauga Police Force;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Peel Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Peel Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Peel Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Joint
bargaining
committee

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Peel Police Board in the manner and for the purposes provided in *The Police Act* and the Peel Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(6) The first meeting of the bargaining committee and the Peel Police Board shall be held not later than the 30th day of November, 1973.

Application of
R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Peel Police Board.

Assumption
of buildings

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Peel Police Board any such land or building that the Peel Police Board may require that is vested on the 1st day of July, 1973, in any local

municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the

1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Peel Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Peel Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office
supplies, etc.

(8) At the request of the Peel Police Board, each area municipality, for the use of the Peel Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974,

and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Peel Police Board.

Property
to be
provided

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Region to be
sole
distributor
of water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

No area
municipality
to distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and

Vesting of
water supply
facilities

surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Water supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART VIII

REGIONAL SEWAGE WORKS

Regional
Corporation
responsible
for sanitary
sewage

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 8, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 8.

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of
sanitary
sewage
facilities

(4) The Regional Council shall pay to the corporation of any area municipality before due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

Regional
Corporation
liability

R.S.O. 1970,
c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Special
rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

Land
drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipality
land drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising of
money by area
municipality

(10) An area municipality may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

R.S.O. 1970,
c. 284

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

78.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Area
municipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional
Corporation
deemed
regional
municipality

(a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of
moneys not
immediately
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES AND LEVIES

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly
estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Allowance
to be made
in estimates

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of
R.S.O. 1970,
cc. 32, 284

Levy on
area munic-
ipalities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipality

(5) Upon completion by the Ministry of Revenue of the revision and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and weighting.

(8) Where the last revised assessment of the area municipality has been revised and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

Amendment
of by-law
where
necessary
following
appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

R.S.O. 1970,
c. 284
1971, c. 78

1973, c. . .

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit

Valuation
of properties

to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality both according to the last revised assessment roll as weighted by the Ministry of Revenue under subsection

1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. R.S.O. 1970, c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. Determination of rates
R.S.O. 1970, c. 405

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81, and subsections 14 and 15 of section 81 apply to such levy. Levy by Regional Council before estimates adopted

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy. Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81. Levy under s. 81 to be reduced

(4) Notwithstanding section 82, the council of an area municipality may in any year before the adoption of the estimates for that year levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. Levy by area municipality before estimates adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82. Levy under s. 82 to be reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1970, c. 284, s. 303 (4)

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment Preliminary assessment

based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised and weighted assessment under subsection 5 of section 81.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality.

Rates for
public
school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be

apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation. Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. Transitional adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. Allowances to be made in estimates of area municipalities in 1974 R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973. Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. Idem

87.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*. Interpretation

Surplus or deficit at December 31, 1973 to be applied to supporting assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Town of Mississauga, the Township of Chinguacousy and the Township of Toronto Gore.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional determination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final determination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the

appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may by order prescribe the period ^{Period of adjustment} over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities ^{Reserve funds of municipalities} for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, other ^{Idem} than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

90.—(1) The Regional Council may in each year, if ^{Reserve funds, establishment} authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may ^{Investments and income} be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. ^{R.S.O. 1970, c. 470}

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any ^{Expenditure of reserve fund moneys} purpose other than that for which the fund was established without the approval of the Ministry.

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. ^{Auditor to report on reserve funds}

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted
works

(4) When an area municipality, on or before the 31st day of December, 1973,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. Bonds, debentures, etc., trustee investments
R.S.O. 1970, c. 470

93. Subject to the limitations and restrictions of this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. Power to incur debt or issue debentures
R.S.O. 1970, c. 323

94.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. Proviso

95.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107, shall be transferred to the area municipality.

Hypothecation
not to prevent
subsequent
sale of
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by a ^{Special levy against area municipalities} special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

(5) The by-law shall provide for raising in each year, by a ^{General levy} special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed ^{Levy by area municipalities} by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council ^{Instalment debentures and debentures to refund existing debentures at maturity} may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or

municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the ^{Extension of time for issue} Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application ^{Application after time expired} is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to ^{Effective date} take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the ^{Consolidation} Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. ^{Consolidating debenture by-laws R.S.O. 1970, c. 284}

(19) The by-law may provide that all the debentures or a ^{Redemption before maturity} portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date

set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional

Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. ^{Principal levies}

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, ^{Consolidated bank accounts}

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. ^{Sinking fund committee}

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. ^{Chairman}

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, ^{Security}

R.S.O. 1970.
c. 284 in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

Quorum (28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of sinking fund assets (29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

With-drawals from bank accounts (30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Invest-ments (31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- R.S.O. 1970,
c. 470
- (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the Regional Corporation;
 - (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
 - (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario (34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

(35) All sinking fund debentures issued on the same date, ^{Sinking fund accounts} payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

(36) That portion of the amount of all earnings in any year, ^{Earnings credited to sinking fund accounts} on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}

(38) If the treasurer of the Regional Corporation contravenes ^{Offence} subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(39) If the Regional Council neglects in any year to levy ^{Failure to Levy} the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law, if ^{Where amount in sinking fund account more than sufficient to pay debt} it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of

the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures. ^{Term debentures}

(45) In respect of the term debentures, the by-law shall provide for raising, ^{Amounts to be raised annually}

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund. ^{Retirement fund}

97.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, ^{When rate of interest may be varied}

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply

any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made

R.S.O. 1970, cc. 323, 136, 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal of application

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the

persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures on which payment has been made for one year to be valid

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

Replacement
of lost
debentures

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange
of
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debenture
of same force
and effect as
debenture
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of
debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or

- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

109. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

110.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

Accounts,
how to be
kept

- (i) an additional account for the interest, if any, and
- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

114. In the year 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at more than \$5,000. Disposal of assets

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for R.S.O.
1970, c. 250,
s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
trans-
portation
system assets
in Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(10) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Emergency
measures,
civil
defence

116.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

Expenditures
for diffusing
information

117. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants
to persons
engaged in
work
advan-
tageous to
Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Peel Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

R.S.O. 1970,
c. 505

Investi-
gation
by county
judge of
charges of
malfeasance

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. ^{Fees payable to judge} R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. ^{Engaging counsel}

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. ^{Idem}

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. ^{Commission of inquiry} 1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. ^{When commission may issue}

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. ^{Expenses of commission}

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. ^{Entry on highways, etc.}

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the ^{Agreements re services}

Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O.
1970, c. 32

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
muni-
cipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Inter-
pretation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Peel" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

126.—(1) The Corporation of the County of Peel is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Peel in any agreements to which such county was a party.

(2) All the assets and liabilities of the County of Peel become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Peel shall be transferred to the clerk, and

on the same date that portion of the Town of Oakville described in clause *a* of subsection 1 of section 2 is withdrawn from the County of Halton.

Powers of
Municipal
Board

R.S.O. 1970,
c. 284

127.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Peel.

Settling
of doubts

R.S.O. 1970,
c. 323

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Peel or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

131.—(1) In this section “waste” includes ashes, garbage, refuse, domestic waste, solid industrial waste or municipal refuse and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

O.M.B.
to arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application
of R.S.O. 1970,
c. 284, s. 354

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Agreement
successor
rights

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional
Fire
Co-ordinator

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed
limits
continued
R.S.O. 1970,
c. 202

134.—(1) Notwithstanding the other provisions of the Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O.
1970, c. 354,
s. 108

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of
electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of
commission
continue
in office

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not
disqualified
as members
of Council

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards,
etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Council
deemed
recreation
committee,
etc.

R.S.O. 1970,
cc. 120, 73

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers

Acquiring
land for
parks, etc.

R.S.O. 1970,
c. 384

that are conferred on boards of park management by *The Public Parks Act*.

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application
of R.S.O.
1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a muni-
cipality
under R.S.O.
1970, cc. 337, 73

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

Park lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1970,
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

Payment
in lieu
of taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

County
museum
vested in
Regional
Corporation

138. The Peel County Museum and Art Gallery together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation.

Regional
Muni-
cipality
school
division

139. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Peel is a school division and the Peel County

Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for The Regional Municipality of Peel. R.S.O. 1970, c. 425

140.—(1) Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of the Peel County Board of Education, except that notwithstanding *The Municipal Elections Act, 1972*, in the year 1973, Election 1972, c. 95

- (a) the polling day for the members of The Peel County Board of Education shall be the 1st day of October and the hours of polling shall be the same as for the municipal elections in the Regional Area, and the members elected on such date shall take office on the 1st day of January, 1974, and continue to hold such office until the 31st day of December, 1976; and
- (b) the Minister shall, by order, provide for the nomination of candidates for The Peel County Board of Education and may by order provide for any other matters necessary to hold the election for such board; and
- (c) any reference in such section to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

(2) The members of The Dufferin-Peel County Roman Catholic Separate School Board who hold office on the day this Act comes into force shall continue to hold office until the 31st day of December, 1976, and the trustees shall designate which one of their number shall represent that area of the City of Mississauga formerly in the Town of Oakville. Dufferin-Peel County Roman Catholic Separate School Board continued in office

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973. R.S.O. 1970, c. 284, s. 244, not to apply

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. Public library boards R.S.O. 1970, c. 381

143. The council of the City of Mississauga may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*. Power of cities in Regional Area to pass by-laws

Organization expenses	144. —(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.
Conditions of payment	(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.
Commencement	145. —(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent.
Idem	(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.
Short title	146. This Act may be cited as <i>The Regional Municipality of Peel Act, 1973</i> .

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of Peel

1st Reading

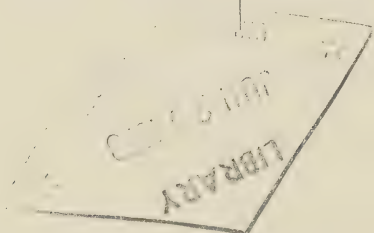
June 7th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)



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BILL 138

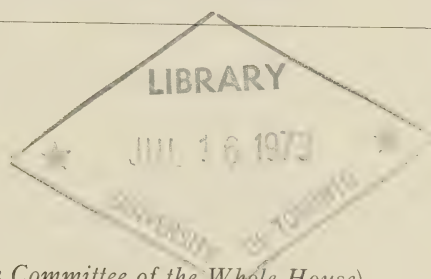
GOVERNMENT
Publications

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Peel**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the formation of three area municipalities by the amalgamation and annexation of the ten local municipalities in the County of Peel, together with a portion of the Town of Oakville in the County of Halton. It also provides for the dissolution of the County of Peel and the incorporation of The Regional Municipality of Peel.

The Bill is divided into ten Parts:

- | | |
|-----------|--|
| PART I | Area municipalities |
| PART II | Incorporation and establishment of the Council of the
Regional Area |
| PART III | Regional Road System |
| PART IV | Planning |
| PART V | Health and Welfare Services |
| PART VI | Police |
| PART VII | Regional Water Works System |
| PART VIII | Regional Sewage Works |
| PART IX | Finances |
| PART X | General |

**An Act to establish
The Regional Municipality of Peel**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Mississauga, the City of Brampton and the Town of Albion, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Peel together with that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause a of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Peel;


- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

-  (a) The Corporation of the Town of Port Credit and The Corporation of the Town of Streetsville are amalgamated as a city municipality bearing the name of The Corporation of the City of Mississauga and the portions of the Town of Mississauga and the Town of Oakville described as follows are annexed to such city:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the westerly prolongation of the centre-line of Lot 14, West of Hurontario Street;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE southerly, southwesterly and southerly along the easterly limit of the present Town of Mississauga to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement all in accordance with the

limits described in subsection 2 of section 8 of *The Territorial Division Act*.

SECONDLY, part of the Town of Oakville, commencing where the east limit of the present Town of Oakville intersects the centre-line of the King's Highway No. 5;

THENCE westerly along that line to the east limit of the Ninth Line Road;

THENCE northerly along that limit to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the place of commencement.

- (b) The Corporation of the Town of Brampton and The Corporation of the Township of Toronto Gore are amalgamated as a city municipality bearing the name of The Corporation of the City of Brampton and those portions of the Town of Mississauga and the Township of Chinguacousy described as follows are annexed to such City:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the westerly prolongation of the centre-line of Lot 14;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE northerly, westerly and southerly along the east, north and west limits of the Town to the place of commencement;

SECONDLY, part of the Township of Chinguacousy, commencing where the south limit of the present

Township of Chinguacousy intersects the west limit of the present Town of Brampton;

THENCE westerly along that limit to the west limit of the Township;

THENCE northerly along that limit to the westerly prolongation of the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE northerly along that limit to its intersection with the line between Lots 18 and 19;

THENCE easterly along that line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE southerly along that centre line to its intersection with the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line and its prolongations to the east limit of the Township;

THENCE southerly along that limit to the south limit of the Township;

THENCE westerly along that limit to the west limit of the present Town of Brampton;

THENCE northerly, westerly and southerly along the limits of the Town of Brampton to the place of commencement.

- (c) The Corporation of the Township of Albion, The Corporation of the Township of Caledon, The Corporation of the Village of Bolton and The Corporation of the Village of Caledon East are amalgamated as a town municipality bearing the name of The Corporation of the Town of Albion and the portion of the Township of Chinguacousy described as follows is annexed to such town:

Part of the Township of Chinguacousy, commencing where the west limit of the present Township of Chinguacousy intersects the westerly prolongation of the centre-line of No. 17 Side Road;


THENCE northerly, easterly and southerly along the west, north and east limits of the Township to its intersection with the centre line of No. 17 Side Road;

THENCE generally westerly along that centre line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE northerly along that centre line to its intersection with the line between Lots 18 and 19;

THENCE westerly along that line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE southerly along that east limit to its intersection with the centre line of the No. 17 Side Road;

THENCE generally westerly along that centre line to the place of commencement. 

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1974:

1. The Police Village of Alton.
2. The Police Village of Caledon.
3. The Police Village of Inglewood.
4. The Police Village of Palgrave.

Amalgama-
tions,
annexations,
and
dissolutions
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

R.S.O. 1970,
c. 284

Referendum
re area muni-
cipality
names

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1

shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

- 1. The City of Mississauga—Nine members elected by wards.
- 2. The City of Brampton—Fourteen members elected by wards.
- 3. The Town of Albion—Nine members elected by wards.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976.

First
elections and
term of
office

(3) For the purposes of the elections of the first councils of the area municipalities and members thereof to represent the area municipality on the Regional Council,

Idem

- (a) the Minister may by order, divide into wards each area municipality as constituted by section 2 and make provision for the respective numbers of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) the Minister may by order, provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning

officers, the holding of the elections, the preparation of polling lists, and

- (ii) provide for such other matters as he considers necessary to hold the elections.

Application
of 1972, c. 95

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization
committee
in 1973

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Towns of
Port Credit
and
Streetsville
to each
constitute
one ward

(6) Notwithstanding the provisions of this section, for the purposes of the elections to council of the area municipality of the City of Mississauga to be held in the year 1973 and the year 1976 the Town of Port Credit and the Town of Streetsville shall, as they exist on the day this Act comes into force, each be constituted as a ward of the said City, entitled to elect from such ward one member to the council of the said City.

First
election
expenses

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No Board
of Control

5. No area municipality shall have a Board of Control.

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

Regional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Peel".

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
judicial
district

R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Peel, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. Registry boundaries

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Peel shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Peel. Appointments for County of Peel deemed appointments for Judicial District of Peel

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8.—(1) The Regional Council shall consist of twenty-two members composed of a chairman and, Composition of Regional Council

(a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

(b) nine members of council from the City of Mississauga being the remainder of the council of the City;

(c) five members of council from the City of Brampton elected by wards as members of the Regional Council and such city council; and

(d) four members of council from the Town of Albion elected by wards as members of the Regional Council and such town council.

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1973, 1974, 1975 and 1976. Term of office

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

Election of
chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting 1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting of
area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office R.S.O. 1970, c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When Council deemed organized

11.—(1) Twelve members of the Regional Council representing all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12. Subject to section 10, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints. Place of meeting

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

- Idem** (3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.
- Other members** (4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.
- Resignation** (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.
- Where head of council incapacitated** (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.
- Remuneration** **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.
- Idem** (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.
- Committees** **15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.
- Remuneration of committee chairman** (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.
- Procedural by-laws** **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

17.—(1) The chairman is the head of the Regional Council ^{Head of Council} and is the chief executive officer of the Regional Corporation.

(2) The Regional Council may by by-law appoint a chief ^{Chief administrative officer} administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284} applies to a chief administrative officer appointed under subsection 2 of this section.

18. When the chairman is absent from the Regional ^{Acting chairman} Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to ^{Application of R.S.O. 1970, c. 284} 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

20.—(1) The Regional Council shall appoint a clerk, whose ^{Appointment of clerk} duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable in
evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment
of treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

(3) When the office of the treasurer is vacant or the treasurer ^{Acting treasurer} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

23.—(1) The treasurer shall receive and safely keep all ^{Receipt and disbursement of money} money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the ^{Petty cash fund} treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, ^{When member may be paid 1972, c. 142} a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

(5) The treasurer is not liable for money paid by him in ^{Treasurer's liability limited} accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer shall, ^{Bank accounts}

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the

credit of such account or accounts, and no other account; and

- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disqualifica-
tion of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area

or by the County of Peel or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board thereof ^{Idem} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board thereof ^{Sick leave credits} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board thereof ^{Holidays} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(5) The Regional Council shall offer to employ every person ^{Offer of employment} who, on the 1st day of April, 1973, is employed by the County of Peel or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973

- Entitlement to salary (6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.
- Application of R.S.O. 1970, c. 324 (7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.
- Offer of employment (8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.
- Sick leave credits (9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.
- Holidays (10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.
- Pension rights and sick leave credits (11) Where under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.
- Termination of employment (12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

- Interpretation **28.** In this Part,
- (a) "approved" means approved by the Minister or of a type approved by the Minister;

- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Peel shall constitute the regional road system together with those roads under the jurisdiction and control of the County of Halton that are included within the area municipality of the City of Mississauga.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status of
land acquired
for widening
regional road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect on and after the day named by the Lieutenant Governor in Council.

Application of
R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construction
and
maintenance

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of
information
to Minister

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Peel or the County of Halton or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Peel or the County of Halton or the area municipality or municipalities as the case may be, might have done if the roads had not become part of the regional road system.

Power over
roads
assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area
muni-
cipalities may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area muni-
cipality to
conform to
requirements
and be
responsible
for damages

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering

Installation
of traffic
control
devices

or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Intersection of other roads by regional road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970, c. 284

Powers and liabilities of Regional Corporation

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970, cc. 284, 202

Establishment of bus lanes

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purposes of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970,
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of regional roads

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing

Agreements for pedestrian walks

the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges between area municipalities

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary bridges between Regional Area and adjoining municipality

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining

municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

46.—(1) The Regional Council has, with respect to all ^{Restrictions} land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. ^{R.S.O. 1970, c. 349}

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. ^{Conflict with local by-laws}

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. ^{Controlled-access roads}

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. ^{Closing municipal roads}

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct. ^{Notice of application for approval for closing road}

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions, ^{Order of O.M.B.}

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads,
etc., opening
upon regional
controlled-
access road

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48.

Service
of notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure
to comply
with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation

to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by notice.

(4) Every person who fails to comply with a notice given ^{Offence} under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any ^{Regional liability where road forms part of system} road forming part of the regional road system.

(2) Where a road forms part of the regional road system, ^{Idem} the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share ^{R.S.O. 1970, c. 255} of a local improvement work.

(3) Where the Regional Corporation fails to make any ^{Default} payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any out- ^{Settling of doubts} standing debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of
R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
area
R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Peel Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Peel Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Peel Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Area municipi-
palities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

(6) When the Minister has approved an official plan^{Effect of official plan} adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor^{R.S.O. 1970, c. 349} thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey^{Planning duties of Regional Council} the physical, social and economic conditions in relation to the development of the Peel Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Peel Planning Area, and without limiting the generality of the foregoing shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area; and
- (c) consult with any local board having jurisdiction within the Peel Planning Area.

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan^{Official plan} for the Regional Area.

(3) The Regional Council and the council of each area^{Appointment of planning staff} municipality may appoint such planning committees and staff as it considers necessary.

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a^{Regional Corporation deemed municipality under R.S.O. 1970, c. 349} planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Regional Corporation shall be deemed to be a^{Idem} county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof, created by statute for the carrying out of studies relating to the Peel Planning Area or any part thereof.

Delegation
of Minister's
powers

R.S.O. 1970,
c. 349

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of
adjustment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Peel Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of
R.S.O. 1970,
c. 349

56. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

Liability
for hospital-
ization of
indigents
R.S.O. 1970,
cc. 378, 361

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the

31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Peel or that part of the Town of Oakville which becomes part of the City of Mississauga on the 1st day of January, 1974.

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

58.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Peel Regional Board of Health.

(2) The health unit serving the County of Peel on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Peel Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974 the Peel Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of certain
members

(2) The members of the Peel Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board
R.S.O. 1970,
c. 377

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Peel Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270, 422,
490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

- 1. *The Anatomy Act.*
- 2. *The Mental Hospitals Act.*
- 3. *The Sanatoria for Consumptives Act.*
- 4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

- 1. *The Day Nurseries Act.*
- 2. *The General Welfare Assistance Act.*
- 3. *The Homemakers and Nurses Services Act.*

Liability
for homes
for aged
R.S.O. 1970,
c. 206

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest*

Homes Act, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

(2) The Peel Manor Home for the Aged and Sheridan Villa Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Peel county
homes for
aged vested
in Regional
Corporation

63.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents
of other
homes for
aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of
maintenance
payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 64

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing
liabilities
transferred
1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability
under order
made under
R.S.C. 1970,
c. J-3

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Information

68. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect

Adjustments

of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

70. In this Part, "Peel Police Board" means the Peel Regional Board of Commissioners of Police.

Peel
Regional
Board
established
R.S.O. 1970,
c. 351

71.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973 a board of commissioners of police shall be constituted to be known as the Peel Regional Board of Commissioners of Police, which shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of a county or district court designated by the Lieutenant Governor in Council; and

(c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Peel Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

72.—(1) On and after the 1st day of January, 1974,

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 accord-

ing to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

(b) *The Police Act* does not apply to any area municipality; and R.S.O. 1970, c. 351

(c) The Peel Police Board and the members of the Peel Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws Fines of any area municipality, shall where prosecuted by the Peel Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force Area police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Peel Regional Police Force, and the provisions of subsections 4 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a Peel Regional Police Force local municipality on the 31st day of December, 1973, and becomes a member of the Peel Regional Police Force on the 1st day of January, 1974, is subject to the government of the Peel Police Board to the same extent as if appointed by the Peel Police Board and the Peel Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Peel Regional Police.

(3) Every person who becomes a member of the Peel Terms of employment Regional Police Force under subsection 1 shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Peel Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System,

and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the Town of Mississauga Police Force;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Peel Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Peel Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Peel Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Joint
bargaining
committee

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Peel Police Board in the manner and for the purposes provided in *The Police Act* and the Peel Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(6) The first meeting of the bargaining committee and the Peel Police Board shall be held not later than the 30th day of November, 1973.

Application of
R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Peel Police Board.

Assumption
of buildings

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Peel Police Board any such land or building that the Peel Police Board may require that is vested on the 1st day of July, 1973, in any local

municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the

1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Peel Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Peel Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office
supplies, etc.

(8) At the request of the Peel Police Board, each area municipality, for the use of the Peel Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974,

and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Peel Police Board.

Property
to be
provided

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Region to be
sole
distributor
of water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

No area
municipality
to distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and

Vesting of
water supply
facilities

surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Water supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART VIII

REGIONAL SEWAGE WORKS

Regional
Corporation
responsible
for sanitary
sewage

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 8, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 8.

(3) All sewage works, sewer systems and treatment works, ^{Vesting of} including buildings, structures, plant, machinery, equipment, ^{'sanitary} devices, intakes and outfalls or outlets, or other works de- ^{sewage} signed for the interception, collection, settling, treating, dis- ^{'facilities} persing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The Regional Council shall pay to the corporation of ^{Regional} any area municipality before due date all amounts of principal ^{Corporation} and interest becoming due upon any outstanding debt of such ^{liability} area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable ^{R.S.O. 1970,} as the owners' share of the local improvement work. ^{c. 255}

(5) If the Regional Corporation fails to make any payment ^{Default} as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(6) The Regional Corporation may by by-law provide for ^{Special} imposing on and collecting from any area municipality, in ^{rates} respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(7) With respect to any agreements entered into by any ^{Agreements} municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Land
drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipality
land drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising of
money by area
municipality

(10) An area municipality may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

R.S.O. 1970,
c. 284

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

78.—(1) In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Area
municipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional
Corporation
deemed
regional
municipality

(a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of
moneys not
immediately
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES AND LEVIES

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly
estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Allowance
to be made
in estimates

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of
R.S.O. 1970,
cc. 32, 284

Levy on
area municipi-
palities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipality

(5) Upon completion by the Ministry of Revenue of the revision and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and weighting.

(8) Where the last revised assessment of the area municipality has been revised and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

Amendment
of by-law
where
necessary
following
appeal

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act*, 1971, and subsection 2 of section 3 of *The Property Tax Stabilization Act*, 1973.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

R.S.O. 1970,
c. 284
1971, c. 78
1973, c. . .

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit

Valuation
of properties

to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality both according to the last revised assessment roll as weighted by the Ministry of Revenue under subsection

1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. R.S.O. 1970, c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. Determination of rates R.S.O. 1970, c. 405

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81, and subsections 14 and 15 of section 81 apply to such levy. Levy by Regional Council before estimates adopted

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy. Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81. Levy under s. 81 to be reduced

(4) Notwithstanding section 82, the council of an area municipality may in any year before the adoption of the estimates for that year levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. Levy by area municipality before estimates adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82. Levy under s. 82 to be reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1970, c. 284, s. 303 (4)

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment Preliminary assessment

based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised and weighted assessment under subsection 5 of section 81.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality.

Rates for
public
school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be

apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

87.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Interpretation

Surplus or deficit at December 31, 1973 to be applied to supporting assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Town of Mississauga, and the Township of Chinguacousy.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional determination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final determination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970, c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the

appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made. Period of adjustment

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income R.S.O. 1970, c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry. Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. Auditor to report on reserve funds

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted
works

(4) When an area municipality, on or before the 31st day of December, 1973,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. Bonds, debentures, etc., trustee investments
R.S.O. 1970, c. 470

93. Subject to the limitations and restrictions of this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. Power to incur debt or issue debentures
R.S.O. 1970, c. 323

94.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. Proviso

95.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107, shall be transferred to the area municipality.

Hypothecation
not to prevent
subsequent
sale of
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or

municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the ^{Extension of time for issue} Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application ^{Application after time expired} is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to ^{Effective date} take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the ^{Consolidation} Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. ^{Consolidating debenture by-laws R.S.O. 1970, c. 284}

(19) The by-law may provide that all the debentures or a ^{Redemption before maturity} portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date

set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional

Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. ^{Principal levies}

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, ^{Consolidated bank accounts}

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. ^{Sinking fund committee}

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. ^{Chairman}

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, ^{Security}

- in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.
- R.S.O. 1970,
c. 284
- Quorum (28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of sinking fund assets (29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals from bank accounts (30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments (31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- R.S.O. 1970,
c. 470
- Deposit of securities with Treasurer of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.
- Release of securities by Treasurer of Ontario (34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

(35) All sinking fund debentures issued on the same date, ^{Sinking fund accounts} payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

(36) That portion of the amount of all earnings in any year, ^{Earnings credited to sinking fund accounts} on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account ; and
- (b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause a.

(37) The treasurer of the Regional Corporation shall pre- ^{Sinking fund requirements}pare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

(38) If the treasurer of the Regional Corporation contravenes ^{Offence} subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(39) If the Regional Council neglects in any year to levy ^{Failure to Levy} the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law, if ^{Where amount in sinking fund account more than sufficient to pay debt} it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of

the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

(44) A money by-law may authorize the issue of debentures^{Term debentures} of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

(45) In respect of the term debentures, the by-law shall^{Amounts to be raised annually} provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be^{Retirement fund} administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

97.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest^{When rate of interest may be varied} payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply

any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash by-laws may be made

R.S.O. 1970, cc. 323, 136, 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal of application

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the

persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures on which payment has been made for one year to be valid

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

Registration
of debenture
as to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement
of lost
debentures

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange
of
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debenture
of same force
and effect as
debenture
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of
debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

108. Where real or personal property acquired out of money received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

109. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

110.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

114. In the year 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at more than \$5,000. Disposal of assets

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for R.S.O.
1970, c. 250,
s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
trans-
portation
system assets
in Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(10) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Emergency
measures,
civil
defence

116.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

(a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;

(b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

(c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;

(e) for obtaining and distributing emergency materials, equipment and supplies; and

(f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

Expenditures
for diffusing
information

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years.

Application
of
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Grants
to persons
engaged in
work
advan-
tageous to
Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees

R.S.O. 1970,
c. 505

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Peel Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investi-
gation
by county
judge of
charges of
malfeasance

1971, c. 49

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act*, 1971 and he shall, with all convenient speed, report to the

Regional Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge
R.S.O. 1970,
c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. Idem

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. Commission of inquiry
1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways, etc.

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Agreements re services

Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O.
1970, c. 32

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
muni-
cipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Inter-
pretation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Peel" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

126.—(1) The Corporation of the County of Peel is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Peel in any agreements to which such county was a party.

(2) All the assets and liabilities of the County of Peel become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Peel shall be transferred to the clerk, and

on the same date that portion of the Town of Oakville described in clause *a* of subsection 1 of section 2 is withdrawn from the County of Halton.

Powers of
Municipal
Board

127.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Peel.

R.S.O. 1970,
c. 284

Settling
of doubts

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Peel or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Application
of R.S.O. 1970,
c. 284, s. 256

131.—(1) In this section “waste” includes ashes, garbage, refuse, domestic waste, solid industrial waste or municipal refuse and such other wastes as may be designated by by-law of the Regional Council.

Inter-
pretation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities,

Receiving
and disposing
of waste by
Regional
Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Waste
disposal
sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Payments of
principal
and interest
to area muni-
cipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

O.M.B.
to arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application
of R.S.O. 1970,
c. 284, s. 354

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Agreement
successor
rights

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional
Fire
Co-ordinator

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed
limits
continued
R.S.O. 1970,
c. 202

134.—(1) Notwithstanding the other provisions of the Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O.
1970, c. 354,
s. 108

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of
electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of
commission
continue
in office

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not
disqualified
as members
of Council

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards,
etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Council
deemed
recreation
committee,
etc.

R.S.O. 1970,
cc. 120, 73

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers

Acquiring
land for
parks, etc.

R.S.O. 1970,
c. 384

that are conferred on boards of park management by *The Public Parks Act*.

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application
of R.S.O.
1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a muni-
cipality
under R.S.O.
1970, cc. 337, 73

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

Park lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1970,
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

Payment
in lieu
of taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

County
museum
vested in
Regional
Corporation

138. The Peel County Museum and Art Gallery together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation.

Regional
Muni-
cipality
school
division

139. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Peel is a school division and the Peel County

Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for The Regional Municipality of Peel. R.S.O. 1970,
c. 425

140.—(1) The Peel County Board of Education may, by resolution, provide that the election of members of the board shall be held in the year 1974 and unless a certified copy of such resolution is received by the Minister on or before the 15th day of July, 1973, the election of members of the board shall be held in the year 1973. School
board
elections

(2) Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Peel County Board of Education except that, notwithstanding *The Municipal Elections Act, 1972*, if such election is held in the year 1973, Idem
1972, c. 95

- (a) the polling day for the members of The Peel County Board of Education shall be the 1st day of October and the hours of polling shall be the same as for the municipal elections in the Regional Area, and the members elected on such date shall take office on the 1st day of January, 1974, and continue in office until the 31st day of December, 1976;
- (b) the Minister shall, by order, provide for the nomination of candidates for The Peel County Board of Education and may, by order, provide for any other matters necessary to hold the election for such board;
- (c) any reference in such section to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and
- (d) the expenses of the local municipalities for such election shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund,

and, if such election is held in the year 1974, the expenses of the area municipalities for such election shall be paid by The Peel County Board of Education.

(3) The members of The Dufferin-Peel County Roman Catholic Separate School Board who hold office on the day this Act comes into force continue to hold office until the 31st day of December, 1976, and the trustees shall designate which one of their number shall represent that area of the City of Mississauga formerly in the Town of Oakville. Idem

R.S.O. 1970,
c. 284, s. 244,
not to apply

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973.

Public
library
boards
R.S.O. 1970,
c. 381

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional
Area to
pass by-laws

143. The council of the City of Mississauga may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Organization
expenses

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.

Conditions
of payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title

146. This Act may be cited as *The Regional Municipality of Peel Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,.....
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of Peel

1st Reading

June 7th, 1973

2nd Reading

June 19th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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BILL 138

Publication

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Peel**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 138

1973

An Act to establish The Regional Municipality of Peel

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Mississauga, the City of Brampton and the Town of Albion, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Peel together with that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause a of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Peel;

- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

- (a) The Corporation of the Town of Port Credit and The Corporation of the Town of Streetsville are amalgamated as a city municipality bearing the name of The Corporation of the City of Mississauga and the portions of the Town of Mississauga and the Town of Oakville described as follows are annexed to such city:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the westerly prolongation of the centre-line of Lot 14, West of Hurontario Street;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE southerly, southwesterly and southerly along the easterly limit of the present Town of Mississauga to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement all in accordance with the

limits described in subsection 2 of section 8 of *The Territorial Division Act*.

SECONDLY, part of the Town of Oakville, commencing where the east limit of the present Town of Oakville intersects the centre-line of the King's Highway No. 5;

THENCE westerly along that line to the east limit of the Ninth Line Road;

THENCE northerly along that limit to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the place of commencement.

- (b) The Corporation of the Town of Brampton and The Corporation of the Township of Toronto Gore are amalgamated as a city municipality bearing the name of The Corporation of the City of Brampton and those portions of the Town of Mississauga and the Township of Chinguacousy described as follows are annexed to such City:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the westerly prolongation of the centre-line of Lot 14;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE northerly, westerly and southerly along the east, north and west limits of the Town to the place of commencement;

SECONDLY, part of the Township of Chinguacousy, commencing where the south limit of the present

Township of Chinguacousy intersects the west limit of the present Town of Brampton;

THENCE westerly along that limit to the west limit of the Township;

THENCE northerly along that limit to the westerly prolongation of the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE northerly along that limit to its intersection with the line between Lots 18 and 19;

THENCE easterly along that line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE southerly along that centre line to its intersection with the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line and its prolongations to the east limit of the Township;

THENCE southerly along that limit to the south limit of the Township;

THENCE westerly along that limit to the west limit of the present Town of Brampton;

THENCE northerly, westerly and southerly along the limits of the Town of Brampton to the place of commencement.

- (c) The Corporation of the Township of Albion, The Corporation of the Township of Caledon, The Corporation of the Village of Bolton and The Corporation of the Village of Caledon East are amalgamated as a town municipality bearing the name of The Corporation of the Town of Albion and the portion of the Township of Chinguacousy described as follows is annexed to such town:

Part of the Township of Chinguacousy, commencing where the west limit of the present Township of Chinguacousy intersects the westerly prolongation of the centre-line of No. 17 Side Road;

THENCE northerly, easterly and southerly along the west, north and east limits of the Township to its intersection with the centre line of No. 17 Side Road;

THENCE generally westerly along that centre line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE northerly along that centre line to its intersection with the line between Lots 18 and 19;

THENCE westerly along that line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE southerly along that east limit to its intersection with the centre line of the No. 17 Side Road;

THENCE generally westerly along that centre line to the place of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1974:

1. The Police Village of Alton.
2. The Police Village of Caledon.
3. The Police Village of Inglewood.
4. The Police Village of Palgrave.

Amalgama-
tions,
annexations,
and
dissolutions
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

R.S.O. 1970,
c. 284

Referendum
re area muni-
cipality
names

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1

shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Mississauga—Nine members elected by wards.
2. The City of Brampton—Fourteen members elected by wards.
3. The Town of Albion—Nine members elected by wards.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976.

(3) For the purposes of the elections of the first councils of the area municipalities and members thereof to represent the area municipality on the Regional Council,

- (a) the Minister may by order, divide into wards each area municipality as constituted by section 2 and make provision for the respective numbers of members of councils to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) the Minister may by order, provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning

officers, the holding of the elections, the preparation of polling lists, and

- (ii) provide for such other matters as he considers necessary to hold the elections.

Application
of 1972, c. 95

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization
committee
in 1973

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Towns of
Port Credit
and
Streetsville
to each
constitute
one ward

(6) Notwithstanding the provisions of this section, for the purposes of the elections to council of the area municipality of the City of Mississauga to be held in the year 1973 and the year 1976 the Town of Port Credit and the Town of Streetsville shall, as they exist on the day this Act comes into force, each be constituted as a ward of the said City, entitled to elect from such ward one member to the council of the said City.

First
election
expenses

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No Board
of Control

5. No area municipality shall have a Board of Control.

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

Regional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Peel".

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
judicial
district

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Peel, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

R.S.O. 1970,
c. 230

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. Registry boundaries

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Peel shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Peel. Appointments for County of Peel deemed appointments for Judicial District of Peel

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8.—(1) The Regional Council shall consist of twenty-two members composed of a chairman and, Composition of Regional Council

- (a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) nine members of council from the City of Mississauga being the remainder of the council of the City;
- (c) five members of council from the City of Brampton elected by wards as members of the Regional Council and such city council; and
- (d) four members of council from the Town of Albion elected by wards as members of the Regional Council and such town council.

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1973, 1974, 1975 and 1976. Term of office

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

Election of
chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting 1973

10.—(1) The first meeting of the Regional Council in the year 1973 shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

First
meeting of
area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1974 and 1977 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1970, c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When Council deemed organized

11.—(1) Twelve members of the Regional Council representing all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12. Subject to section 10, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints. Place of meeting

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

- Idem** (3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.
- Other members** (4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.
- Resignation** (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.
- Where head of council incapacitated** (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.
- Remuneration** **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.
- Idem** (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.
- Committees** **15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.
- Remuneration of committee chairman** (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council.
- Procedural by-laws** **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

17.—(1) The chairman is the head of the Regional Council ^{Head of Council} and is the chief executive officer of the Regional Corporation.

(2) The Regional Council may by by-law appoint a chief ^{Chief administrative officer} administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284} applies to a chief administrative officer appointed under subsection 2 of this section.

18. When the chairman is absent from the Regional ^{Acting chairman} Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to ^{Application of R.S.O. 1970, c. 284} 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

20.—(1) The Regional Council shall appoint a clerk, whose ^{Appointment of clerk} duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter and until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable in
evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment
of treasurer

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

(3) When the office of the treasurer is vacant or the treasurer ^{Acting treasurer} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

23.—(1) The treasurer shall receive and safely keep all ^{Receipt and disbursement of money} money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the ^{Petty cash fund} treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, ^{When member may be paid 1972, c. 142} a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

(5) The treasurer is not liable for money paid by him in ^{Treasurer's liability limited} accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer shall, ^{Bank accounts}

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the

credit of such account or accounts, and no other account; and

- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disqualifica-
tion of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area

or by the County of Peel or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or a local board thereof ^{Idem} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board thereof ^{Sick leave credits} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board thereof ^{Holidays} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(5) The Regional Council shall offer to employ every person ^{Offer of employment} who, on the 1st day of April, 1973, is employed by the County of Peel or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

- Entitlement to salary (6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.
- Application of R.S.O. 1970, c. 324 (7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.
- Offer of employment (8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, not less than he was receiving on the 1st day of April, 1973.
- Sick leave credits (9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.
- Holidays (10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.
- Pension rights and sick leave credits (11) Where under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.
- Termination of employment (12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

REGIONAL ROAD SYSTEM

Interpretation

28. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;

- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Peel shall constitute the regional road system together with those roads under the jurisdiction and control of the County of Halton that are included within the area municipality of the City of Mississauga.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status of
land acquired
for widening
regional road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect on and after the day named by the Lieutenant Governor in Council.

Application of
R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construction
and
maintenance

30. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of
information
to Minister

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Peel or the County of Halton or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Peel or the County of Halton or the area municipality or municipalities as the case may be, might have done if the roads had not become part of the regional road system. Power over roads assumed

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted
R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided
R.S.O. 1970, c. 255

(4) An area municipality when constructing such sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. Area municipality to conform to requirements and be responsible for damages

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering Installation of traffic control devices

or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of
intersecting
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other roads
by regional
road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities
of Regional
Corporation

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
cc. 284, 202

Establish-
ment of
bus lanes

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purposes of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970,
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of regional roads

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing

Agreements for pedestrian walks

the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges between area municipalities

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary bridges between Regional Area and adjoining municipality

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining

municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

46.—(1) The Regional Council has, with respect to all ^{Restrictions} land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. ^{R.S.O. 1970, c. 349}

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. ^{Conflict with local by-laws}

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. ^{Controlled-access roads}

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. ^{Closing municipal roads}

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct. ^{Notice of application for approval for closing road}

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions, ^{Order of O.M.B.}

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads,
etc., opening
upon regional
controlled-
access road

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48.

Service
of notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure
to comply
with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation

to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by notice.

(4) Every person who fails to comply with a notice given ^{Offence} under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any ^{Regional liability where road forms part of system} road forming part of the regional road system.

(2) Where a road forms part of the regional road system, ^{Idem} the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share ^{R.S.O. 1970, c. 255} of a local improvement work.

(3) Where the Regional Corporation fails to make any ^{Default} payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any out- ^{Settling of doubts} standing debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of
R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
area
R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Peel Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Peel Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Peel Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Area municipi-
palities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

(6) When the Minister has approved an official plan ^{Effect of official plan} adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

55.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Peel Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Peel Planning Area, and without limiting the generality of the foregoing shall,

^{Planning duties of Regional Council}

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area; and
- (c) consult with any local board having jurisdiction within the Peel Planning Area.

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan ^{Official plan} for the Regional Area.

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff ^{Appointment of planning staff} as it considers necessary.

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

^{Regional Corporation deemed municipality under R.S.O. 1970, c. 349}

(5) The Regional Corporation shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof, created by statute for the carrying out of studies relating to the Peel Planning Area or any part thereof.

Delegation
of Minister's
powers

R.S.O. 1970,
c. 349

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of
adjustment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Peel Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of
R.S.O. 1970,
c. 349

56. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation.

PART V

HEALTH AND WELFARE SERVICES

Liability
for hospital-
ization of
indigents
R.S.O. 1970,
cc. 378, 361

57.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the

31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Peel or that part of the Town of Oakville which becomes part of the City of Mississauga on the 1st day of January, 1974.

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. Proviso

58.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81. Hospital costs form part of regional levy

59.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Peel Regional Board of Health. The health unit R.S.O. 1970, c. 377

(2) The health unit serving the County of Peel on the 31st day of December, 1973, is hereby dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Peel Regional Board of Health. Dissolution of Peel health unit

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

60.—(1) On and after the 1st day of January, 1974 the Peel Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of certain
members

(2) The members of the Peel Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board
R.S.O. 1970,
c. 377

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Peel Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270, 422,
490

61.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
for homes
for aged
R.S.O. 1970,
c. 206

62.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest*

Homes Act, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

(2) The Peel Manor Home for the Aged and Sheridan Villa Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Peel county homes for aged vested in Regional Corporation

63.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

65. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing liabilities transferred 1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability under order made under R.S.C. 1970, c. J-3

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Information

68. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect

Adjustments

of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

70. In this Part, "Peel Police Board" means the Peel Regional Board of Commissioners of Police.

Peel
Regional
Board
established
R.S.O. 1970,
c. 351

71.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973 a board of commissioners of police shall be constituted to be known as the Peel Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Peel Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

72.—(1) On and after the 1st day of January, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 accord-

ing to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

(b) *The Police Act* does not apply to any area municipality; and R.S.O. 1970,
c. 351

(c) The Peel Police Board and the members of the Peel Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws Fines of any area municipality, shall where prosecuted by the Peel Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

73.—(1) Every person who is a member of a police force Area police
force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Peel Regional Police Force, and the provisions of subsections 4 and 11 of section 27 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a Peel Regional
Police Force local municipality on the 31st day of December, 1973, and becomes a member of the Peel Regional Police Force on the 1st day of January, 1974, is subject to the government of the Peel Police Board to the same extent as if appointed by the Peel Police Board and the Peel Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Peel Regional Police.

(3) Every person who becomes a member of the Peel Terms of
employment Regional Police Force under subsection 1 shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Peel Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System,

and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the Town of Mississauga Police Force;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Peel Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Peel Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

Civilian
employee
retirement

(4) Civilian employees and assistants of the Peel Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Joint
bargaining
committee

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Peel Police Board in the manner and for the purposes provided in *The Police Act* and the Peel Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(6) The first meeting of the bargaining committee and the Peel Police Board shall be held not later than the 30th day of November, 1973.

Application of
R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Peel Police Board.

Assumption
of buildings

74.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Peel Police Board any such land or building that the Peel Police Board may require that is vested on the 1st day of July, 1973, in any local

municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the

1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Peel Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Peel Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the Peel Police Board, each area municipality, for the use of the Peel Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974,

and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

75. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Peel Police Board.

Property
to be
provided

PART VII

REGIONAL WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Region to be
sole
distributor
of water

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

No area
municipality
to distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and

Vesting of
water supply
facilities

surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Water supply
agreement

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART VIII

REGIONAL SEWAGE WORKS

Regional
Corporation
responsible
for sanitary
sewage

77.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 8, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 8.

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of
'sanitary
'sewage
'facilities

(4) The Regional Council shall pay to the corporation of any area municipality before due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

Regional
Corporation
liability

R.S.O. 1970,
c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Special
rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

Land
drainage

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of area
municipality
land drainage
systems

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Raising of
money by area
municipality

(10) An area municipality may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

R.S.O. 1970,
c. 284

PART IX

FINANCES

Interpre-
tation

R.S.O. 1970,
c. 32

78.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Area municipality deemed municipality under R.S.O. 1970, c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional Corporation deemed regional municipality

(a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of moneys not immediately required R.S.O. 1970, c. 284

YEARLY ESTIMATES AND LEVIES

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Allowance to be made in estimates

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application of R.S.O. 1970, cc. 32, 284

Levy on
area municipi-
palities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipality

(5) Upon completion by the Ministry of Revenue of the revision and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and weighting.

(8) Where the last revised assessment of the area municipality has been revised and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

Amendment
of by-law
where
necessary
following
appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 137 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

R.S.O. 1970,
c. 284
1971, c. 78
1973, c. ...

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit

Valuation
of properties

to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality both according to the last revised assessment roll as weighted by the Ministry of Revenue under subsection

1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. R.S.O. 1970, c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. Determination of rates R.S.O. 1970, c. 405

83.—(1) Notwithstanding section 81, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81, and subsections 14 and 15 of section 81 apply to such levy. Levy by Regional Council before estimates adopted

(2) Notwithstanding section 81, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy. Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81. Levy under s. 81 to be reduced

(4) Notwithstanding section 82, the council of an area municipality may in any year before the adoption of the estimates for that year levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. Levy by area municipality before estimates adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82. Levy under s. 82 to be reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1970, c. 284, s. 303 (4)

(7) The Ministry of Revenue for the purposes of a levy under subsection 1 shall complete a preliminary assessment Preliminary assessment

based on the assessment of the local municipalities used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised and weighted in accordance with subsections 4, 9 and 10 of section 81, and such preliminary assessment shall be deemed to be the revised and weighted assessment under subsection 5 of section 81.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality.

Rates for
public
school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be

apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations
under R.S.O.
1970, c. 425
to apply

ADJUSTMENTS

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional
adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances
to be made
in estimates
of area
municipalities
in 1974
R.S.O. 1970,
c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged
areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

87.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Inter-
pretation

Surplus or deficit at December 31, 1973 to be applied to supporting assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

88.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Town of Mississauga, and the Township of Chinguacousy.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional determination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final determination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities concerned and to the Municipal Board and unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970, c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the

appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made. Period of adjustment

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

90.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income R.S.O. 1970, c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry. Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. Auditor to report on reserve funds

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

91.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted
works

(4) When an area municipality, on or before the 31st day of December, 1973,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 95 and no further approval of the Municipal Board is required.

- (5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1970,
c. 470

- 93.** Subject to the limitations and restrictions of this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to
incur debt or
issue
debentures
R.S.O. 1970,
c. 323

- 94.**—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Idem

- (2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Proviso

- 95.**—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing
pending
issue and
sale of
debentures

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 107, shall be transferred to the area municipality.

Hypothecation
not to prevent
subsequent
sale of
debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

96.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by a ^{Special} special levy or levies against one or more area municipalities, ^{levy against area municipalities} the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

(5) The by-law shall provide for raising in each year, by a ^{General} special levy on all the area municipalities, ^{levy} the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be ^{Levy by area municipalities} levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law, ^{Instalment debentures and debentures to refund existing debentures at maturity}

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause b, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or

municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(13) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the ^{Extension of time} Regional Council, the council of any area municipality or ^{for issue} any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application ^{Application after time expired} is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to ^{Effective date} take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the ^{Consolidation} Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. ^{Consolidating debenture by-laws R.S.O. 1970, c. 284}

(19) The by-law may provide that all the debentures or a ^{Redemption before maturity} portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date

set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional

Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. ^{Principal levies}

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, ^{Consolidated bank accounts}

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. ^{Sinking fund committee}

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. ^{Chairman}

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, ^{Security}

R.S.O. 1970,
c. 284

in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking
fund assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

With-
drawals
from bank
accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Invest-
ments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by, Earnings credited to sinking fund accounts

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to Levy

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of Where amount in sinking fund account more than sufficient to pay debt

the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

(44) A money by-law may authorize the issue of debentures^{Term debentures} of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

(45) In respect of the term debentures, the by-law shall^{Amounts to be raised annually} provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be^{Retirement fund} administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

97.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest^{When rate of interest may be varied} payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange thereof.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 95 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

98.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

99.—(1) Subject to section 98, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply

any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

100. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

101.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made

R.S.O. 1970, cc. 323, 136, 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal of application

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 94 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 96 have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

102.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the

persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

103. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures on which payment has been made for one year to be valid

104.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

Registration
of debenture
as to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement
of lost
debentures

105. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange
of
debentures

106.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debenture
of same force
and effect as
debenture
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of
debentures

107.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. Deficiency

108. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 107 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. Use of proceeds of sale of asset acquired from proceeds of sale of debentures

109. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. Tenders for debentures

110.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;

Accounts,
how to be
kept

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

111. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

112.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

113. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

114. In the year 1973, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at more than \$5,000. Disposal of assets

PART X

GENERAL

115.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for R.S.O.
1970, c. 250,
s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

Vesting of
trans-
portation
system assets
in Regional
Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(10) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Emergency
measures,
civil
defence

116.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

Expenditures
for diffusing
information

117.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years.

Application
of
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Grants
to persons
engaged in
work
advan-
tageous to
Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees

R.S.O. 1970,
c. 505

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Peel Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investi-
gation
by county
judge of
charges of
malfeasance

1971, c. 49

120.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act*, 1971 and he shall, with all convenient speed, report to the

Regional Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge
R.S.O. 1970,
c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. Idem

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. Commission of inquiry
1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways, etc.

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Agreements re services

Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O.
1970, c. 32

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
muni-
cipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Inter-
pretation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Peel" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

126.—(1) The Corporation of the County of Peel is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Peel in any agreements to which such county was a party.

(2) All the assets and liabilities of the County of Peel become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Peel shall be transferred to the clerk, and

on the same date that portion of the Town of Oakville described in clause *a* of subsection 1 of section 2 is withdrawn from the County of Halton.

Powers of
Municipal
Board

R.S.O. 1970,
c. 284

127.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Peel.

Settling
of doubts

R.S.O. 1970,
c. 323

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

128. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

129.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Peel or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

130.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

131.—(1) In this section “waste” includes ashes, garbage, refuse, domestic waste, solid industrial waste or municipal refuse and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities, Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

O.M.B.
to arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application
of R.S.O. 1970,
c. 284, s. 354

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Agreement
successor
rights

132. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional
Fire
Co-ordinator

133. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed
limits
continued
R.S.O. 1970,
s. 202

134.—(1) Notwithstanding the other provisions of the Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O.
1970, c. 354
s. 108

135.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of
electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of
commission
continue
in office

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not
disqualified
as members
of Council

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards,
etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Council
deemed
recreation
committee,
etc.

R.S.O. 1970,
cc. 120, 73

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers

Acquiring
land for
parks, etc.

R.S.O. 1970,
c. 384 that are conferred on boards of park management by
The Public Parks Act.

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application
of R.S.O.
1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a muni-
cipality
under R.S.O.
1970, cc. 337, 73

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

Park lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1970,
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

Payment
in lieu
of taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

County
museum
vested in
Regional
Corporation

138. The Peel County Museum and Art Gallery together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation.

Regional
Muni-
cipality
school
division

139. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Peel is a school division and the Peel County

Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for The Regional Municipality of Peel. R.S.O. 1970, c. 425

140.—(1) The Peel County Board of Education may, ^{School board elections} by resolution, provide that the election of members of the board shall be held in the year 1974 and unless a certified copy of such resolution is received by the Minister on or before the 15th day of July, 1973, the election of members of the board shall be held in the year 1973.

(2) Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Peel County Board of Education except that, notwithstanding *The Municipal Elections Act, 1972*, if such election is held in ^{Idem} 1972, c. 95 the year 1973,

- (a) the polling day for the members of The Peel County Board of Education shall be the 1st day of October and the hours of polling shall be the same as for the municipal elections in the Regional Area, and the members elected on such date shall take office on the 1st day of January, 1974, and continue in office until the 31st day of December, 1976;
- (b) the Minister shall, by order, provide for the nomination of candidates for The Peel County Board of Education and may, by order, provide for any other matters necessary to hold the election for such board;
- (c) any reference in such section to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and
- (d) the expenses of the local municipalities for such election shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund,

and, if such election is held in the year 1974, the expenses of the area municipalities for such election shall be paid by The Peel County Board of Education.

(3) The members of The Dufferin-Peel County Roman ^{Idem} Catholic Separate School Board who hold office on the day this Act comes into force continue to hold office until the 31st day of December, 1976, and the trustees shall designate which one of their number shall represent that area of the City of Mississauga formerly in the Town of Oakville.

R.S.O. 1970,
c. 284, s. 244,
not to apply

141. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973.

Public
library
boards
R.S.O. 1970,
c. 381

142. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional
Area to
pass by-laws

143. The council of the City of Mississauga may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Organization
expenses

144.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.

Conditions
of payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

145.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 113 of Part IX come into force on the 1st day of January, 1974.

Short title

146. This Act may be cited as *The Regional Municipality of Peel Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,
 having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of Peel

1st Reading

June 7th, 1973

2nd Reading

June 19th, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs



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